DOCUMENT RESUME

ED 476 553 EC 309 580

TITLE	Discover IDEA: Supporting Achievement for Children with Disabilities. An IDEA Practices Resource Guide.
INSTITUTION	Council for Exceptional Children, Arlington, VA.
SPONS AGENCY	Special Education Programs (ED/OSERS), Washington, DC.
ISBN	ISBN-0-86586-979-0
PUB DATE	2003-00-00
NOTE	566p.; Prepared by the Associations of Service Providers Implementing IDEA Reforms in Education partnership (ASPIIRE) and IDEA Local Implementation by Local Administrators Partnership (ILIAD). Videotape and CD-ROM are not available from ERIC.
CONTRACT	H326A80006;H326A80005
AVAILABLE FROM	Council for Exceptional Children, 1110 North Glebe Rd., Arlington, VA 22201-5704 (Order No. P5554: CEC members, $145; nonmembers, $195). Tel: 888-232-7733 (Toll Free); Tel: 703-264-9446 (TTY); Fax: 703-264-9494; e-mail: service@cec.sped.org. For full text of the guide: http://www.ideapractices.org.
PUB TYPE	Guides - Non-Classroom (055) -- Non-Print Media (100)
EDRS PRICE	EDRS Price MF02/PC23 Plus Postage.
DESCRIPTORS	*Disabilities; Discipline; *Educational Assessment; *Educational Environment; Educational Legislation; Elementary Secondary Education; Federal Legislation; *Inclusive Schools; *Individualized Education Programs; *Leadership
IDENTIFIERS	*Individuals with Disabilities Education Act Part B

ABSTRACT

This package (with manual, CD-ROM, videotape, and lists of Web-based resources) was designed to assist administrators, service providers, family members, policymakers, and other stakeholders in locating information about Part B of the Individuals with Disabilities Education Act 1997 (IDEA) that will help in implementing both the legal requirements and spirit of the law. Sections of the manual provide first, a general overview of IDEA and then more specific "Pathway Guides" that address: (1) individualized education programs; (2) least restrictive educational environments; (3) school climate and discipline; (4) state and district-wide assessments; and (5) leadership. Each Pathway Guide provides an overview of the topic followed by connections to the law and regulations, to relevant materials, to Web-based resources, and to references and an appendix providing more resource tools and blackline masters. On the videotape stakeholders describe the impact of IDEA and introduce four provisions in the law that support achievement. The CD-ROM contains the text of the law, final regulations, hundreds of print ready policy and practice documents, overheads and fact sheets, links to related laws, and contact information for federally-funded technical assistance projects. (DB)

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ED 476 553

Discover
I·D·E·A

SUPPORTING ACHIEVEMENT FOR CHILDREN WITH DISABILITIES

An IDEA Practices Resource Guide

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
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ISBN 0-86586-979-0

The ASPIIRE[1] and ILIAD[2] Partnership Projects at the Council for Exceptional Children are leadership initiatives in partnership with the FAPE and PMP IDEA Partnership Projects[3]. Funding comes from the U.S. Department of Education, Office of Special Education Programs (Cooperative Agreement No. H326A80006 and No. H326A80005). This document was reviewed by the Office of Special Education Programs (OSEP) for consistency with the Individuals with Disabilities Education Act Amendments of 1997. The contents of this document, and the contents of the documents cited herein which are referred to as "OSEP-reviewed," do not necessarily reflect the views or policies of the U.S. Department of Education, nor does mention of other organizations imply endorsement by those organizations or the U.S. Government.

[1] Associations of Service Providers Implementing IDEA Reforms in Education Partnership
[2] IDEA Local Implementation by Local Administrators Partnership
[3] Families and Advocates Partnership for Education and The Policymaker Partnership

Recommended citation: Associations of Service Providers Implementing IDEA Reforms in Education Partnership (ASPIIRE), & IDEA Local Implementation by Local Administrators Partnership (ILIAD) (2003). ***Discover IDEA: Supporting achievement for children with disabilities—An IDEA practices resource guide***. Arlington, VA: Council for Exceptional Children.

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This publication is electronically available in PDF formats on the ASPIIRE/ILIAD web site: **www.ideapractices.org**

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Acknowledgments

Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide was developed under the leadership of:

Linda S. Marsal, Senior Director/Principal Investigator, the IDEA Local Implementation by Local Administrators Partnership (ILIAD) and the Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE).

Colleen McNerney, Director, the Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE).

Stephanie Wood-Garnett, Director, the IDEA Local Implementation by Local Administrators Partnership (ILIAD).

Deborah Ziegler, Assistant Executive Director for Public Policy, Council for Exceptional Children.

Selete Avoké, Project Officer, U.S. Department of Education, Office of Special Education Programs (OSEP).

ASPIIRE and ILIAD acknowledge with deep appreciation the outstanding work of the following groups in providing feedback on the package:

- Families and Advocates Partnership for Education (FAPE), PACER Center, Inc.
- Policymaker Partnership (PMP), National Association of State Directors of Special Education (NASDSE).
- ASPIIRE and ILIAD Cadre Members.
- ASPIIRE and ILIAD Staff Members: Jennifer Johnson, Whitney Donaldson, Christina Kim, Nancy Anderson, William Sharpe, Sheryl Wood, Alison Rowe, Johnna Timms, and Jay McIntyre.

Throughout the Core Module and Pathway Guides, sections of previously published documents have been used—in some cases verbatim. The reason for doing this was to streamline the process and to maintain the purpose of this package, which is to direct users to relevant resources. Text has been lifted from the following materials:

Core Module:

- The Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE), & the IDEA Local Implementation by Local Administrators Partnership (ILIAD) (2000). ***Discover IDEA: Supporting achievement for children with disabilities*** [Video Script]. Arlington, VA: Council for Exceptional Children.
- U.S. Department of Education, Office of Special Education Programs (no date). ***Twenty-five years of progress in educating children with disabilities through IDEA***. Washington, DC: Author.
- Thurlow, M. (June 2001). ***Students with disabilities in standards-based reform***. Framing paper for the National Summit on the Shared Implementation of IDEA. Arlington, VA: IDEA Partnership Projects.
- The IDEA Local Implementation by Local Administrators Partnership (ILIAD), & the National Association of Elementary School Principals (NAESP) (2001). ***Implementing IDEA: A guide for principals***. Arlington, VA: Council for Exceptional Children, and Alexandria, VA: NAESP.

State and District-wide Assessments Pathway Guide:

- The Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE), & the IDEA Local Implementation by Local Administrators Partnership (ILIAD) (2000). ***Making assessment accommodations: A toolkit for educators***. Arlington, VA: Council for Exceptional Children.
- The IDEA Local Implementation by Local Administrators Partnership (ILIAD), & the National Association of Elementary School Principals (NAESP) (2001). ***Implementing IDEA: A guide for principals***. Arlington, VA: Council for Exceptional Children, and Alexandria, VA: NAESP.
- Thurlow, M. (June 2001). ***Students with disabilities in standards-based reform***. Framing paper for A National Summit on the Shared Implementation of IDEA. Arlington, VA: IDEA Partnership Projects.

Individualized Education Programs (IEP) Pathway Guide:

- The Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE), & the IDEA Local Implementation by Local Administrators Partnership (ILIAD) (2000). ***Discover IDEA: Supporting achievement for children with disabilities*** [Video Script]. Arlington, VA: Council for Exceptional Children.
- IDEA Partnership Projects (June, 2001). ***Family involvement***. Framing paper for A National Summit on the Shared Implementation of IDEA. Arlington, VA: IDEA Partnership Projects.
- National Information Center for Children with Disabilities (NICHCY) (September 1999). ***Individualized education programs: Briefing paper*** (4th edition). Washington, DC: Author.
- Walsh, S., Smith, B., & Taylor, R. (2000). ***IDEA requirements for preschoolers with disabilities: IDEA early childhood policy and practice guide***. Arlington, VA: Division for Early Childhood of the Council for Exceptional Children.
- Brannen, S., Cooper, E., Dellegrotto, J., Disney, S., Eger, D., Ehren, B., Ganley, K.,

Isakson, C., Montgomery, J., Ralabate, P., Secord, W., & Whitmire, K. (2000). ***Developing educationally relevant IEPs: A technical assistance document for speech-language pathologists***. Rockville, MD: American Speech-Language-Hearing Association.

- U.S. Department of Education, Office of Special Education Programs (OSEP) (2000). ***A Guide to the Individualized Education Program***. Washington, DC: Author.
- National Information Center for Children with Disabilities (NICHCY) (September 2001). ***Related services: News digest*** (2nd edition). Washington, DC: Author.

School Climate and Discipline Pathway Guide:

- The Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE), & the IDEA Local Implementation by Local Administrators Partnership (ILIAD) (2000). ***Discover IDEA: Supporting achievement for children with disabilities*** [Video Script]. Arlington, VA: Council for Exceptional Children.
- Sugai, G., & Horner, R. (June 2001). ***School climate and discipline: Going to scale***. A framing paper for A National Summit on the Shared Implementation of IDEA. Arlington, VA: IDEA Partnership Projects.
- U.S. Department of Education, Office of Special Education Programs (OSEP) (no date). ***Functional behavioral assessment***. Washington, DC: Author.
- U.S. Department of Education, Office of Special Education Programs (OSEP) (no date). ***Positive behavioral interventions and supports***. Washington, DC: Author.
- The IDEA Local Implementation by Local Administrators Partnership (ILIAD), & the National Association of Elementary School Principals (2001). ***Implementing IDEA: A guide for principals***. Arlington, VA: Council for Exceptional Children, and Alexandria, VA: NAESP.
- National Alliance of Black School Educators (NABSE), & the IDEA Local Implementation by Local Administrators Partnership (ILIAD) (2002). ***Addressing over-representation of African American students in special education: The prereferral process—An administrator's guide***. Arlington, VA: Council for Exceptional Children, and Washington, DC: NABSE.
- Bear, G., Quinn, M., & Burkholder, S. (2001). ***Interim alternative educational settings for children with disabilities***. Bethesda, MD: National Association of School Psychologists.

Educational Environments Pathway Guide:

- The Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE), & the IDEA Local Implementation by Local Administrators Partnership (ILIAD) (2000). ***Discover IDEA: Supporting achievement for children with disabilities*** [Video Script]. Arlington, VA: Council for Exceptional Children.
- The IDEA Local Implementation by Local Administrators Partnership (ILIAD), &

the National Association of Elementary School Principals (NAESP) (2001). ***Implementing IDEA: A guide for principals***. Arlington, VA: Council for Exceptional Children, and Alexandria, VA: NAESP.

- National Alliance of Black School Educators (NABSE), & the IDEA Local Implementation by Local Administrators Partnership (ILIAD), (2002). ***Addressing over-representation of African American students in special education: The prereferral process—An administrator's guide***. Arlington, VA: Council for Exceptional Children, and Washington, DC: NABSE.
- Walsh, S., Smith, B., & Taylor, R. (2000). ***IDEA requirements for preschoolers with disabilities: IDEA early childhood policy and practice guide***. Arlington, VA: Division for Early Childhood of the Council for Exceptional Children.
- National Information Center for Children with Disabilities (NICHCY) (September 2001). ***Related services: News digest*** (2nd edition). Washington, DC: Author.

Leadership Pathway Guide:

- The IDEA Local Implementation by Local Administrators Partnership (ILIAD), & the National Association of Elementary School Principals (NAESP) (2001). ***Implementing IDEA: A guide for principals***. Arlington, VA: Council for Exceptional Children, and Alexandria, VA: NAESP.
- National Alliance of Black School Educators (NABSE), & the IDEA Local Implementation by Local Administrators Partnership (ILIAD) (2002). ***Addressing over-representation of African American students in special education: The prereferral process—An administrator's guide***. Arlington, VA: Council for Exceptional Children, and Washington, DC: NABSE.
- National Information Center for Children with Disabilities (NICHCY) (September 1999). ***Individualized education programs: Briefing paper*** (4th edition). Washington, DC: NICHCY.

Warger, Eavy & Associates wrote and produced ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide***.

ASPIIRE and ILIAD
Associations of Service Providers Implementing IDEA Reforms in Education
IDEA Local Implementation by Local Administrators Partnership

The Council for Exceptional Children is proud to be a primary partner of the ASPIIRE and ILIAD Partnership Projects, which involve more than 36 educational and related services associations that are working together to provide needed information, ideas, and technical assistance to implement the Individuals with Disabilities Education Act of 1997 (IDEA). The development of this publication was supported by the ASPIIRE and ILIAD Partnership Projects, which are funded by the Office of Special Education Programs, U.S. Department of Education. The contents of this document do not necessarily reflect the views or policies of the U.S. Department of Education, nor does mention of other organizations imply endorsement by those organizations or the U.S. Government.

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Foreword

Welcome to ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide***! The package was developed by:

- **ASPIIRE**: The Associations of Service Providers Implementing IDEA Reforms in Education
- **ILIAD**: The IDEA Local Implementation by Local Administrators Partnership

These two projects—both housed at the Council for Exceptional Children—are part of the IDEA Partnership Projects, which are funded by the U.S. Department of Education, Office of Special Education Programs. The other two members of the IDEA Partnership Projects are the Families and Advocates Partnership for Education (FAPE) and the Policymaker Partnership (PMP).

The mission of the IDEA Partnership Projects is to support stakeholders—teachers, service providers, administrators, policymakers, families, and others--by delivering a common message about the landmark 1997 ***Individuals with Disabilities Education Act*** (IDEA).

ILIAD and ASPIIRE work with their partners to build capacity in meeting member needs around IDEA implementation. ASPIIRE and ILIAD partner organizations include:

- American Association of School Administrators
- American Federation of Teachers
- American Occupational Therapy Association
- American Speech-Language-Hearing Association
- Association for Career and Technical Education
- Council of Administrators of Special Education*
- Council of the Great City Schools
- Council for American Private Education
- Council for Children with Behavioral Disorders*
- Division for Early Childhood*
- Federation for Children with Special Needs
- International Reading Association
- National Alliance of Black School Educators
- National Association for Bilingual Education

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- National Association for the Education of Young Children
- National Association of Elementary School Principals
- National Association of Private Schools for Exceptional Children
- National Association of Secondary School Principals
- National Association of School Psychologists
- National Council of the Social Studies
- National Council of Teachers of English
- National Council of Teachers of Mathematics
- National Education Association
- National Head Start Association
- National Indian Education Association
- National Resource Center for Paraprofessionals
- Parent Advocacy Coalition for Education Rights
- Quality Education for Minorities Network
- Technology and Media Division*
- Urban Special Education Leadership Collaborative

*Divisions of the Council for Exceptional Children

Find Out More About the IDEA Partnership Projects

ASPIIRE: The Associations of Service Providers Implementing IDEA Reforms in Education

Housed at the Council for Exceptional Children, ASPIIRE brings together teachers, related service providers, and paraprofessionals to support implementation of the IDEA requirements.

ASPIIRE
Council for Exceptional Children
1110 North Glebe Road, Suite 300
Arlington, VA 22201
877-CEC-IDEA (toll free)
866-915-5000 (TTY toll free)
Fax: 703-264-1637
www.ideapractices.org

ILIAD: The IDEA Local Implementation by Local Administrators Partnership

Also housed at the Council for Exceptional Children, ILIAD supports associations of educational leaders. The ILIAD Partnership increases the knowledge and supports the efforts of local administrators by addressing the general requirements of IDEA.

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Arlington, VA 22201
877-CEC-IDEA (toll free)
866-915-5000 (TTY toll free)
Fax: 703-264-1637
www.ideapractices.org

FAPE: The Families and Advocates Partnership for Education

Located at the PACER Center, FAPE links families, advocates, and self-advocates to communicate the focus of IDEA.

FAPE
PACER Center
8161 Normandale Boulevard
Minneapolis, MN 55437
888-248-0822 (toll free)
952-838-0190 (TTY)
Fax: 952-838-0199
www.fape.org

PMP: The Policymaker Partnership

The Policymaker Partnership, located at the National Association of State Directors of Special Education, increases the capacity of policymakers to act as informed change agents who are focused on improving educational results for students with disabilities.

PMP
National Association of State Directors of Special Education
1800 Diagonal Road, Suite 320
Alexandria, VA 22314
877-IDEA-INFO (toll free)
703-519-7008 (TTY)
Fax: 703-519-3808
www.ideapolicy.org

Introduction*

*[*Please note that only the materials in this Introduction which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education. Also, please note that because several of the documents referenced herein pre-date the passage of the No Child Left Behind Act of 2001 (NCLB) (passed January 8, 2002) and its implementing regulations, they do not address the requirements of NCLB. For information on NCLB, see www.ed.gov.]*

Overview of the Package*

An understanding of the Individuals with Disabilities Education Act (referred to as IDEA throughout this package) provisions is essential for all stakeholders—teachers, administrators, related service providers, families[1], and policymakers—when supporting achievement for children with disabilities[2]. Yet, as with most topics, it is sometimes impossible to know everything and it is, therefore, equally important to know how to find information when it is needed.

Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide was designed as a navigational tool to assist administrators, service providers, family members, policymakers, and other stakeholders in locating information about Part B[3] of the law related to supporting achievement for children with disabilities. ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** directs users to information that will enhance their efforts when implementing both the legal requirements and spirit of the law, and assists them in sharing

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[1] Throughout this resource guide, the terms *parent* and *families* will be used interchangeably, unless citing IDEA.

[2] Throughout this resource guide, the terms *children* and *students* will be used interchangeably.

[3] Part B-Assistance for Education of All Children with Disabilities contains, among other things, the requirements for providing special education and related services to children with disabilities from 3 through 21 years of age, including rules for evaluation/eligibility, individualized education programs (IEPs), and procedural safeguards (see **Appendix IN-1**).

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information about the law with others. To achieve these ends, ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide***:

- Introduces users to materials written about Part B of IDEA that have been reviewed for consistency with the law by personnel at the Office of Special Education Programs (OSEP). **Appendix IN-2** contains a matrix which identifies OSEP-reviewed materials featured in ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide***.
- Connects users to other resources as appropriate, including the 1999 IDEA Final Regulations, tools for sharing information about IDEA with others, linkages to web sites, and research and craft knowledge generated by experts working in the field that supports provisions in IDEA.

About Discover IDEA: Navigating the Package

Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide is designed as a multimedia package that includes print, video, and web-based resources. Each component is organized to support the user in obtaining information for personal use or for dissemination to colleagues and other stakeholders.

Print Notebook

The notebook contains a print guide designed to assist users in navigating the materials. The notebook is organized in sections. The first section of the notebook is the **Discover IDEA Core Module**, which contains a general overview of IDEA. This module should be considered a prerequisite to the rest of the material in this package. Included in the Discover IDEA Core Module is information explaining how IDEA supports achievement for children and youth with disabilities. The Discover IDEA Core Module provides the following:

- Overview of how IDEA supports achievement for children and youth with disabilities.
- Brief history of IDEA.
- Connections to research and knowledge generated by experts working in the area (e.g., published reports, theoretical treatises, and general position statements that are not themselves research but that reflect promising practice) related to selected provisions in IDEA that support achievement for children with disabilities.
- Annotations of relevant materials that may be used to develop an understanding of IDEA. Included are tools—called Information Builders—to use when building constituents' knowledge about IDEA.
- Connections to web-based resources.
- References.
- Appendix (e.g., resource tools, blackline masters for making transparencies and handouts associated with Information Builders).

The Core Module is followed by several **Pathway Guides**. Pathway Guides are designed to provide the user with more specific information on a selected provision in IDEA related to supporting achievement for children with disabilities. The provisions featured in the

Pathway Guides include:

- **Individualized education program** (IEP)—developing, reviewing, and revising as necessary the child's educational program to ensure that he or she receives a free appropriate public education.
- **Least restrictive educational environments**—providing supports and services to children with disabilities in the least restrictive environment (LRE).
- **School climate and discipline**—considering positive behavioral interventions and other supports and services for children with challenging behaviors and having in place due process procedures for addressing discipline.
- **State and district-wide assessments**—ensuring participation of children with disabilities in State and district-wide assessments with accommodations and modifications as appropriate.
- **Leadership**—supporting the implementation of quality special education, related services, and early intervention for children with disabilities in a collaborative manner.

Included in each Pathway Guide is information related to the IDEA provisions for the particular topic. Information is organized as follows:

- Overview of the IDEA provision topic.
- Connections to the law. Regulations related to the Pathway Guide topic are given verbatim.
- Connections to relevant materials. Annotations of materials, some of which are OSEP-reviewed, on the topic are provided. In addition, Information Builders are offered for how to use the materials in the context of sharing information with others. In some cases, Information Builders include tools for use when helping others develop an understanding of IDEA.
- Connections to web-based resources. Suggestions are given for expanding your knowledge about the topic and IDEA provisions on the Internet.
- Connections to references.
- Appendix (e.g., resource tools, blackline masters for making transparencies and handouts associated with Information Builders and Resource Guides).

Videotape

The notebook also contains the award-winning video, ***Discover IDEA: Supporting Achievement for Children with Disabilities,*** which lets you hear from teachers, administrators, related service providers, family members, and children themselves across the nation who attest to the impact of IDEA in ensuring that children with disabilities learn and achieve to their potential. The video introduces four provisions in the law that support achievement (and that also are featured in this package)—individualized education program, educational environments in the context of the IDEA provision of least restrictive environment, school climate and discipline, and State and district-wide assessment—and makes the case for the importance of leadership in carrying out the intent and spirit of the law. Although the video is considered an integral component to the core module, it can be used to introduce stakeholders to each of the Pathway Guide topics.

Web Resources

The last part of the ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package is a web component that connects users to materials, resources, and information on IDEA that are found on the Internet. Please note that while a variety of web sites may exist on a particular topic, only those that provide information related to IDEA and supporting achievement for children with disabilities were chosen for inclusion. Information on accessing these resources is found within the Discover IDEA Core Module and each Pathway Guide.

Many web-based opportunities referred to in ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** are located on the **www.ideapractices.org** web site. This award-winning web site for the Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE) and the IDEA Local Implementation by Local Administrators Partnership (ILIAD) projects houses a variety of resources on IDEA. All users of ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** are encouraged to bookmark this site (**www.ideapractices.org**), as it is updated frequently.

Further, you may subscribe to **IDEAnews**, which is sent periodically via email. It contains a wealth of information, including:

- IDEA news briefs.
- Links to new additions on the **www.ideapractices.org** web site.
- Links to other resources.
- Announcements.

You may subscribe online by going to **www.ideapractices.org**.

How to Use the Core Module and Pathway Guides

The implementation of IDEA is a shared responsibility among many stakeholders—administrators, service providers, families, policymakers, and other stakeholders. Collaboration is enhanced with knowledge. Everyone can benefit by knowing about IDEA and how it supports achievement, and everyone can benefit by understanding their roles and responsibilities related to implementing the law. While no one is expected to be an expert in all aspects of IDEA, having access to information can go a long way in ensuring that answers can be found when needed.

While an individual user can benefit from the ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package, its reach can be enhanced when the materials are shared with colleagues, families, team members, constituents, and others who are involved in providing a free appropriate public education to children with disabilities. The information may be shared with others in a variety of ways. Often, a question will arise in the course of an informal conversation. For those times when no one knows the answer, the ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package provides a way to find answers and/or locate resources where answers may be found.

In addition to informal conversations, common ways that educators and other stakeholders share information and direct constituents to materials are:

- **Being the IDEA point person for the building, district, college of education, or professional organization**. Individuals serving in this role may be perceived by others as a clearinghouse of information on the topic of IDEA. They develop their expertise on IDEA and are available to assist their colleagues and other stakeholders in developing knowledge. For example, the point person may informally or formally share information with individuals or with small groups, distribute information via print or media, refer constituents to new resources and information as it becomes available, answer questions, and/or make recommendations for further study.

- **Leading professional development sessions**. Association representatives, staff developers, higher education faculty, school district leaders, and others who have responsibility for professional development typically share their expertise in the context of professional and personal growth activities. For example, they may be called upon to conduct workshops, lead study groups, consult with individuals, and/or disseminate information at conferences or through other venues.
- **Serving as a meeting facilitator**. In many cases, individuals will be members of teams in which knowledge of IDEA is critical to the work of the group. When questions or issues arise, the role of these individuals is to answer the questions and/or to direct team members to resources where the answers can be found. In the context of IDEA, many individuals from a variety of disciplines serve in this role (e.g., IEP team member, grade level curriculum planning team, school-based management team, instructional team).

The ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package offers suggestions for individuals serving in each of these roles and capacities in relation to the relevant materials featured in this package. The annotation for each of the materials includes sample tips on how to use it (e.g., transparency masters, checklists, activities, and handouts). Tools referenced in the text are found in the appendices of each section. While users will find some of these activities and tools helpful for their purposes, they are intended only as examples.

Getting Started

Users of ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** are encouraged to familiarize themselves with all of the materials first. A good place to begin is to watch the videotape. After you watch the videotape, read the Discover IDEA Core Module thoroughly. Remember, information in the Discover IDEA Core Module is intended to be a prerequisite for the Pathway Guides.

In the Discover IDEA Core Module, as well as in the Pathway Guides, you will be directed to a number of materials about IDEA. Use the annotations to identify which materials appear to fit your needs and then gather those that show promise. In many cases, the materials are free and can be downloaded from the Internet. In some cases, materials have a small fee attached and must be ordered. Once you have gathered the materials, return to the Core Module and reread the information.

Concurrently, if you are unfamiliar with the ASPIIRE/ILIAD web site at **www.ideapractices.org**, check it out. Many of the resources cited in the Discover IDEA Core Module and Pathway Guides are available on this web site. The site also provides links to other relevant web sites. However, keep in mind that the actual postings on those sites (e.g., documents) might *not* have undergone OSEP review for consistency with IDEA. Familiarize yourself with what is available on this web site.

Once you have familiarized yourself with the information in the Discover IDEA Core Module, proceed to the Pathway Guides. Each Pathway Guide is self-contained—that is, the information in each is not contingent on the others (the exception being the Discover IDEA Core Module, which is a prerequisite for all of the Pathway Guides). Pathway Guides are not presented in any particular order, so to get started:

- Pick one in which you have a particular interest. Like the Discover IDEA Core Module, each Pathway Guide presents annotations of relevant materials.
- Use the annotations to identify which materials appear to fit your needs.
- Gather the materials.
- Return to the Pathway Guide and reread the information.

It is important to note that as new materials become available and resources are discovered, they will be posted on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. In some cases, they also will be posted on the National Information Center for Children and Youth with Disabilities (NICHCY) web site at **www.nichcy.org**. Make a point to visit these web sites monthly for updates and new resources.

Only portions of the final IDEA Part B regulations (1999) are contained in this document. It is highly recommended that you read the full text of the regulations, which are available from any of the following sources:

- **ASPIIRE/ILIAD web site**. Download or search the law and final regulations at **www.ideapractices.org**.
- **Discover IDEA CD 2002**. The law and final regulations are available in electronic format, complete with search mechanisms. Order from: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.
- **Print copy**. To request a free copy, call the U.S. Ed Pubs office (toll free) at 877-433-7827 or 800-437-0833 (TTY toll free).
- **U.S. Department of Education web site**. Download or search the law and final regulations at **www.ed.gov/offices/OSERS/OSEP/**.

Throughout the ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package, mention is made of the law and its regulations. Regulations are written to provide guidance on implementing the law and are considered requirements. When explaining the regulations, specific sections are referenced with the symbol "§." This means that you may go to the referenced section in the Code of Federal Regulations (CFR) and find the exact words used in the regulation. [See **Figure IN-1** for an example of how to read a regulation. Familiarize yourself with how to read regulations before moving on.]

Finally, a number of acronyms and terms are used throughout the ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package. In most cases these are acronyms and terms found in the law and therefore, legal definitions are in order. Although care has been taken to define these in each section, users are encouraged to review the following resources:

- The IDEA Partnership Projects and colleagues have produced ***Discover IDEA CD 2002***. The CD contains a glossary of definitions and acronyms used in the IDEA Final Regulations. Information on ordering the CD is available on the ASPIIRE/ILIAD web site at **www.ideapractices.org** and in the Core Module.
- The Families and Advocates Partnership for Education (FAPE) has produced three "Facts-on-Hand" documents that may supplement the CD glossary: *Acronyms and Special Education, Acronyms and Agencies,* and *Acronyms and the Law.* These documents are available on the FAPE web site at **www.fape.org**.

Figure IN-1

Reading the Regulations

As you read the explanations about the law throughout this package, you will find references to specific sections of the federal regulations, such as 34 C.F.R. §300.1. You can use these references to locate the precise sections in the federal regulations that address the issue being discussed. For example, in the discussion of how IDEA guarantees a free appropriate public education to children with disabilities, you are given the reference 34 C.F.R. §300.13. This reference tells you that, if you wanted to read the exact words the regulations use to define a free appropriate public education in IDEA, you would look under Section 300.13 of the Code of Federal Regulations (C.F.R.) for Title 34.

From: National Information Center for Children and Youth with Disabilities (January 2000). ***Questions and answers about IDEA*** [News Digest ND21]. Washington, DC: Author.

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Appendix IN-1

The Parts of IDEA

Part A—General Provisions includes, among other things, purposes of the law and definitions used throughout IDEA.

Part B—Assistance for Education of All Children with Disabilities contains, among other things, the requirements for providing special education and related services to children with disabilities from 3 through 21 years of age, including rules for evaluation/eligibility, individualized education program (IEPs), and procedural safeguards.

Part C—Infants and Toddlers with Disabilities includes the requirements for providing services for infants and toddlers with disabilities, birth to age three years, and their families.

Part D—National Activities to Improve the Education of Children with Disabilities includes provisions for federal funding to support research, personnel preparation model demonstration, technical assistance, parent training and information centers, and State Program Improvement Grants.

[Note: This description is excerpted from Walsh, S., Smith, B, & Taylor, R. (2000). ***IDEA requirements for preschoolers with disabilities: IDEA early childhood policy and practice guide.*** Arlington, VA: Division for Early Childhood of the Council for Exceptional Children.]

Appendix* IN-2

Matrix of Materials Featured in Package*

Materials Name	Core Module	Assessment	Educational Environments	IEP	Leadership	School Climate & Discipline
1997 Individuals with Disabilities Education Act Amendments Increase Access to Technology for Students ☒				X		
A Functional Analysis of Behavior (FAB) Model for School Settings						X
A Guide to the Individualized Education Program ☒				X	X	
A Look at Changes in the Finance Provisions for Grants to States under the IDEA Amendments of 1997					X	
A Summary of Research on Test Changes: An Empirical Basis for Defining Accommodations		X				
A User's Guide to the 1999 IDEA Regulations ☒	X				X	
Addressing Over-Representation of African American Students in Special Education: The Prereferral Process—An Administrator's Guide			X		X	X
Addressing Student Problem Behavior: An IEP Team's Introduction to Functional Behavioral Assessment and Behavior Intervention Plans						X
Addressing Student Problem Behavior—Part II: Conducting a Functional Behavioral Assessment						X
Addressing Student Problem Behavior—Part III: Creating Positive Behavioral Intervention Plans and Supports ☒						X
Alternate Assessment: Questions and Answers ☒		X				

*[*Please note that only the materials in this appendix which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

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Appendix IN-2, continued

Materials Name	Core Module	Assessment	Educational Environments	IEP	Leadership	School Climate & Discipline
An Overview of the Individuals with Disabilities Education Act Amendments of 1997 (P.L. 105-17): Update 1999	X				X	
Applying Federal Civil Rights Laws to Public Charter Schools: Questions and Answers ☒					X	
Applying Positive Behavioral Support and Functional Behavioral Assessment in Schools					X	X
Assistive Technology Consideration ☒				X		
Assistive Technology for Infants and Toddlers ☒				X		
Charter Schools and Students with Disabilities: Review of Existing Data ☒					X	
Clarification of the Role of the IEP Team in Selecting Individual Accommodations, Modifications in Administration, and Alternate Assessments for State and District-Wide Assessments of Student Achievement ☒		X			X	
Computer Accessibility Technology Packet ☒				X		
Considering Special Education Mediation					X	
Determining Appropriate Referrals of English Language Learners to Special Education			X			
Developing Educationally Relevant IEPs: A Technical Assistance Document for Speech-Language Pathologists ☒			X	X		
Directory of Bilingual School Psychologists 2000		X			X	
Discover IDEA CD 2002 ☒	X	X	X	X	X	X
Discover IDEA: Supporting Achievement for Children with Disabilities [Video and Brochure]	X				X	
Disproportionate Representation of African Americans in Special Education: Looking Behind the Curtain for Understanding and Solutions			X			
Early Warning, Timely Response: A Guide to Safe Schools ☒					X	X
Effective Discipline Policies and Practices—A Schoolwide Approach						X

Appendix IN-2, continued

Materials Name	Core Module	Assessment	Educational Environments	IEP	Leadership	School Climate & Discipline
Effective Education of African American Exceptional Learners			X	X		
Every Single Student PEER Project	X	X			X	X
Family Involvement: A Framing Paper for the National Summit on the Shared Implementation of IDEA ☒				X		
Functional Behavioral Assessment ☒						X
Functional Behavioral Assessment and Positive Interventions: What Parents Need to Know						X
How to Conduct Alternate Assessments: Practices in Nine States		X				
IDEA '97 General Overview Questions & Answers ☒	X				X	
IDEA Amendments of 1997: News Digest ☒	X				X	
IDEA Requirements for Preschoolers with Disabilities: Challenging Behavior ☒					X	X
IDEA Requirements for Preschoolers with Disabilities: IDEA Early Childhood Policy and Practice Guide ☒	X	X	X	X	X	X
IDEA Section 619 FY98—Funding Allocation					X	
IDEA Training Package ☒	X		X	X		X
IDEA-Part B Final Regulations: Provisions of Special Interest to Teachers ☒				X		
Implementing IDEA: A Guide for Principals ☒		X			X	X
Individualized Education Programs: Briefing Paper ☒				X	X	
Individuals with Disabilities Education Act (IDEA): A Workshop for Families, Advocates, and Self-Advocates ☒	X		X	X		
Initial Disciplinary Guidance Related to Removal of Children with Disabilities from their Current Educational Placement for Ten School Days or Less						X
Interim Alternative Educational Settings for Children with Disabilities ☒						X

Appendix IN-2, continued

Materials Name	Core Module	Assessment	Educational Environments	IEP	Leadership	School Climate & Discipline
Keys to Access: Encouraging the Use of Mediation by Families from Diverse Backgrounds					X	
Language Minority Children and Youth in Special Education		X	X	X		
Let's Team Up! A Checklist for Paraeducators, Teachers, and Principals			X		X	
Making Assessment Accommodations: A Toolkit for Educators ☒		X			X	
Mental Health, Schools and Families Working Together for All Children and Youth: Toward a Shared Agenda ☒						X
Nexus of Race, Disability, and Overrepresentation: What Do We Know? Where Do We Go?			X			
Non-Cessation of Educational Services						X
OSEP Memorandum: Questions and Answers on Mediation ☒					X	
Overview of the Major Discipline Provisions in the 1999 IDEA Regulations					X	X
Parentally-Placed Students with Disabilities ☒					X	
Planning Your Child's Individualized Education Program (IEP): Some Suggestions to Consider ☒				X		
Positive Behavioral Interventions and Supports ☒						X
Positive Behavioral Interventions: What Parents Need to Know ☒						X
Prevention Research and the IDEA Discipline Provisions: A Guide for School Administrators ☒					X	X
Questions and Answers About IDEA ☒	X		X	X	X	
Questions and Answers About Provisions in the Individuals with Disabilities Education Act of 1997 Related to Students with Disabilities and State and District-Wide Assessments ☒		X		X	X	X
Questions Often Asked By Parents About Special Education Services ☒			X	X	X	

Appendix IN-2, continued

Materials Name	Core Module	Assessment	Educational Environments	IEP	Leadership	School Climate & Discipline
Regular Education Teachers as IEP Team Members ☒				X		
Related Services			X			
Restructuring for Caring and Effective Education: Piecing the Puzzle Together			X			
Safe Schools—Safe Students: Guidelines for Implementing Discipline Procedures Under the New Individuals with Disabilities Education Act (IDEA)						X
Safeguarding Our Children: An Action Guide						X
School Accommodations and Modifications ☒			X			
School Climate and Discipline: Going to Scale ☒						X
Schools with IDEAs that Work			X			
Schoolwide Approaches to Behavior ☒						X
School-wide Behavior Programs ☒						X
School-wide Behavior Programs: Research Brief					X	X
Social Skills Instruction ☒						X
Strengthening and Supporting Teacher/Provider-Paraeducator Teams: Guidelines for Paraeducator Roles, Supervision, and Preparation			X		X	
Student-Led IEPs: A Guide for Student Involvement				X		
Students with Disabilities in Standards-Based Reform ☒		X			X	
Students' Perceptions of Instruction in Inclusion Classrooms: Implications for Students with Learning Disabilities			X			
Technology for Students with Disabilities: A Decision Maker's Resource Guide				X	X	
Testing Students with Disabilities: Practical Strategies for Complying with District and State Requirements		X				

Appendix IN-2, continued

Materials Name	Core Module	Assessment	Educational Environments	IEP	Leadership	School Climate & Discipline
The Disproportionate Discipline of African American Learners: Reducing School Suspensions and Expulsions			X			X
The Paraprofessional's Guide to the Inclusive Classroom: Working as a Team			X		X	
The Use of Tests when Making High-Stakes Decisions for Students: A Resource Guide for Educators and Policymakers ☒		X				
Transition Requirements: A Guide for States, Districts, Schools, Universities, and Families				X		
Twentieth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act ☒		X	X			
Twenty-first Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act ☒			X	X		X
Twenty-second Annual Report to Congress on the Implementation of the Individuals with Disabilities Act ☒			X	X		X
Twenty-third Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act ☒			X	X		X
Understanding the Special Education Process: An Overview for Parents ☒			X			
What Gets Tested, Gets Taught—Who Gets Tested, Gets Taught: Curriculum Framework Development Process		X				
Who Takes the Alternate Assessment? State Criteria		X				
Young Exceptional Children: Practical Ideas for Addressing Challenging Behavior						X
Youth with Disabilities in the Juvenile Justice System ☒			X			

Core Module*

*[*Please note that only the materials in this Core Module which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education. Also, please note that because several of the documents referenced herein pre-date the passage of the No Child Left Behind Act of 2001 (NCLB) (passed January 8, 2002) and its implementing regulations, they do not address the requirements of NCLB. For information on NCLB, see www.ed.gov.]*

Discover IDEA

About the Discover IDEA Core Module*

The purpose of the Discover IDEA Core Module is to introduce users to IDEA, with a specific focus on how selected provisions in the law support achievement for children with disabilities. Information in the Discover IDEA Core Module is considered prerequisite to the Pathway Guides that follow in later sections and therefore, should be referred to as necessary.

The Discover IDEA Core Module is organized into the following sections:

- **Section 1: Introduction**. Use this section to orient you to the Core Module.
- **Section 2: How IDEA Supports Achievement**. Use this section to learn about federal support during the last 25 years for educating children with disabilities. This section also features a brief scan of the literature that supports selected provisions in IDEA.
- **Section 3: Connections to Relevant Materials**. Use this section to locate information on IDEA. Also included are suggestions—called Information Builders—for sharing the materials with colleagues and others in the context of informal interchanges, professional development sessions, and/or meetings. The section also lists other materials on IDEA that have been reviewed by OSEP.

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- **Section 4: Connections to Web-Based Resources**. Use this section to find additional information on IDEA located on the Internet.
- **Section 5: Connections to References**. Use this section to find citations for all resources used in the Core Module.
- **Appendix**: Use this section to find resource tools and blackline masters for making transparencies and handouts.

No matter your role and responsibilities—service provider, administrator, parent, policymaker, and/or an individual who desires a more extensive understanding of how IDEA supports achievement for students with disabilities—you can use the following information to enhance your general understanding and/or the general understanding of others about IDEA. For example:

- As a person knowledgeable about IDEA, colleagues look to you for answers to their questions.
- As an administrator, parents and professional staff look to you for information about the law as it relates to educational practice.
- As a mentor teacher, you can make sure beginning teachers understand the intent and spirit of IDEA and tie key provisions to effective practice.
- As a parent, you help individuals on your child's team understand the law and how it supports student achievement.
- As a policymaker, you want to make sure that suggestions for improvement reflect IDEA provisions.
- As the point person for your organization, you are responsible for planning opportunities in which members receive information and/or briefings on the law and are encouraged to share tools and resources.
- As a related service provider, you are called upon routinely to explain an aspect of the law to collaborating teachers and other professional staff.
- As a staff developer with expertise in IDEA, your credibility is dependent on making sure participants come away from your sessions with useful information.
- As a teacher educator, you include a thorough discussion of IDEA in your course syllabus.

In each of these cases, you need information about IDEA. In some of these cases, your response may be enhanced by a print or electronic document that you can share. The Core Module directs you to resources you can use for these purposes.

Section 1: Introduction*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

All children in this country—including the more than 6.9 million children and youth with disabilities—have the right to learn and achieve to high standards. They deserve a high quality curriculum, effective instruction, fair assessments, safe and supportive learning environments, and opportunities to develop and progress alongside their peers.

Like all students, children and youth with disabilities can and do achieve. They achieve in classrooms, athletics, career-technical training programs, the arts, and extracurricular and community activities. They have the same post-school aspirations and goals as their nondisabled peers.

For children with disabilities, success in school often requires special education, related services, and general education that addresses their unique learning styles, abilities, and needs. For more than 25 years, the ***Individuals with Disabilities Education Act***—better known as IDEA—has guaranteed a free appropriate public education to children with disabilities. 34 C.F.R. §§300.13, 300.121. IDEA also addresses high school completion, participation in regular education with appropriate supplementary aids and services, and access to secondary vocational education that requires work experience—all of which are strong predictors of students' with disabilities postschool success in living independently, obtaining employment, and earning higher wages (Heumann & Hehr, 1998).

Among the accomplishments of IDEA are:

- The majority of children with disabilities are now being educated in their neighborhood schools in regular classrooms with their nondisabled peers (U.S. Department of Education, 2000).
- High school graduation rates among youth with disabilities have increased. For example, graduation rates increased by 14 percent from 1984 to 1997 (U.S. Department of Education, 1998).
- Employment rates among youth with disabilities have increased dramatically (Blackorby & Wagner, 1996). Today, post-school employment rates for youth served under IDEA are twice those of older adults with similar disabilities who did not have the benefit of IDEA (U.S. Department of Education, 2000). Wages for individuals with disabilities also have improved, especially for those who are white or of Hispanic background (Blackorby & Wagner, 1996). In a study of high school graduates of special education programs in Arizona, the majority were found to be working full time one year after graduation (Love & Malian, 1997).
- Post-secondary enrollments among individuals with disabilities receiving IDEA services also have sharply increased (Blackorby & Wagner, 1996). For example, the percentage of college freshmen reporting disabilities has more than tripled since 1978 (U.S. Department of Education, 2000).
- Gains have been reported for the percentage of youth with disabilities living independently three years after graduation (Blackorby & Wagner, 1996).

The 1997 Amendments to IDEA place increased emphasis on improving results for children with disabilities. In some cases, IDEA affirms and/or extends prior provisions; in others IDEA adds provisions. The provisions related to supporting achievement have been grouped in the ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package as follows:

- **Develop an individualized education program (IEP)**. Each school-aged child with a disability who is IDEA eligible must have an IEP that describes his or her special needs and how special education, general education, and related services will be provided to meet those needs and improve educational results. Each public school child who is entitled to special education and related services under IDEA must have an IEP.
- **Provide supports and services in the least restrictive environment**. IDEA provides for a continuum of educational settings based on students' needs. However, IDEA also provides that each student is to be educated in the least restrictive environment—to the extent appropriate with nondisabled peers.
- **Address behavior that impedes learning proactively**. IDEA has provisions that reflect a prevention focus—in addition to intensive services and supports. If a child with a disability exhibits behaviors that impede his or her learning and/or the learning of others, any appropriate positive behavioral interventions, strategies, and supports to address that behavior must be considered.
- **Ensure participation in State and district-wide assessments**. IDEA provides that students with disabilities must participate in State and district-wide assessments of student progress with individual accommodations as needed. For a low percentage of students with disabilities, participation may require an alternate State or district assessment.
- **Provide leadership to support implementation of IDEA**. Leadership by all stakeholders—administrators, teachers, related service providers, early childhood educators, families, and policymakers—is critical to ensuring that these provisions are implemented as appropriate.

These topics are featured in this Core Module and accompanying Pathway Guides.

Section 2: How IDEA Supports Achievement*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

For more than 25 years, federal law has guaranteed a free appropriate public education to children with disabilities. In 1997, the United States Congress reaffirmed and strengthened its commitment by reauthorizing the IDEA. The more you know about the law, the better able you will be to make it work for you and the children and families with whom you work and to whom you provide support. This includes understanding the research base for the provisions in the law related to supporting achievement.

The **purpose** of this section is twofold. The first is to provide a brief history of what is now IDEA. The second is to review the research and knowledge generated by experts working in the area (e.g., published reports, theoretical treatises, and general position statements that are not themselves research but that reflect promising practice) related to selected provisions in IDEA that support achievement for children with disabilities. To achieve this, a literature scan was conducted (see **Appendix C-1** for a description).

History: Twenty-Five Years of Progress in Educating Children with Disabilities Through IDEA

Congress enacted the *Education for All Handicapped Children Act* (Public Law 94-142) in 1975 to support states and localities in protecting the rights of, meeting the individual needs of, and improving the results for infants, toddlers, children, and youth with disabilities and their families. This landmark law is currently enacted as the *Individuals with Disabilities Education Act* (IDEA), as amended in 1997.

Since the passage of Public Law 94-142, significant progress has been made toward meeting major national goals for developing and implementing effective programs and services for early intervention, special education, and related services. Before IDEA, many children were denied access to education and opportunities to learn. For example, in 1970, U.S. schools educated only one in five children with disabilities, and many states had laws excluding certain students, including children who were deaf, blind, emotionally disturbed, or mentally retarded. Today, early intervention programs and services are provided to almost 200,000 eligible infants and toddlers and their families, while nearly 6 million children and youth receive special education and related services to meet their individual needs. Other accomplishments directly attributable to IDEA include educating more children in their neighborhood schools, rather than in separate schools and institutions, and contributing to improvements in the rate of high school graduation, post-secondary school enrollment, and post-school employment for youth with disabilities.

Conditions Before IDEA

The promising future of children with disabilities and their families today stands in sharp contrast to conditions before IDEA. Before the enactment of Public Law 94-142, the fate of many individuals with disabilities was likely to be dim. Too many individuals lived in state institutions for persons with mental retardation or mental illness. In 1967, for example, state institutions were homes for almost 200,000 persons with significant disabilities. Many of these restrictive settings provided only minimal food, clothing, and shelter. Too often, persons with disabilities were merely accommodated rather than assessed, educated, and rehabilitated.

Inaccurate tests led to inappropriately labeling and ineffectively educating most children with disabilities. Many children from diverse cultural, racial, and ethnic backgrounds were not provided an appropriate education. Further, most families were not afforded the opportunity to be involved in planning or placement decisions regarding their child, and resources were not available to enable children with significant disabilities to live at home and receive an education at neighborhood schools in their community.

Initial Federal Response. In the 1950s and 1960s, the federal government, with the strong support and advocacy of family associations, began to develop and validate practices for children with disabilities and their families. These practices, in turn, laid the foundation for implementing effective programs and services of early intervention and special education in states and localities across the country.

There are numerous illustrations of key early federal legislation that supported improved programs and services. Notable examples include:

- *Training of Professional Personnel Act of 1959* (P.L. 86-158), which helped train leaders to educate children with mental retardation.
- *Captioned Films Acts of 1958* (P.L. 85-905), and 1961 (P.L. 87-715), which supported the production and distribution of accessible films. P.L. 85-926 provided grants to institutions of higher learning for training for teachers of students with mental retardation.
- *Teachers of the Deaf Act of 1961* (P.L. 87-276), which trained instructional personnel for children who were deaf or hard of hearing. P.L. 88-164 expanded previous disability-specific training programs to include training across all disability areas.
- *Elementary and Secondary Education Act* (P.L. 89-10) and the *State Schools Act* (P.L. 89-313) in 1965 provided states with direct grant assistance to help educate children with disabilities.
- *Handicapped Children's Early Education Assistance Act of 1968* (P.L. 90-538) and the *Economic Opportunities Amendments of 1972* (P.L. 92-424) authorized support for, respectively, exemplary early childhood programs and increased Head Start enrollment for young children with disabilities. These and other critical federal laws began to open doors of opportunity for children with disabilities and their families.

Landmark court decisions further advanced increased educational opportunities for children with disabilities. The right of every child with a disability to be educated is grounded in the due process and equal protection clauses of the United States Constitution.

Public Law 94-142

Public Law 94-142 guaranteed that each eligible child with a disability within the specified age ranges have available a free appropriate public education. The four purposes of the law articulated a compelling national mission to improve access to education for children with disabilities. They were:

- To assure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs.
- To assure that the rights of children with disabilities and their parents are protected.
- To assist states and localities to provide for the education of all children with disabilities.
- To assess and assure the effectiveness of efforts to educate all children with disabilities.

Changes implicit in the law included efforts to improve how children with disabilities were identified and educated, to evaluate the success of these efforts, and to provide due process protections for children and families. In addition, the law authorized financial incentives to enable states and localities to comply with Public Law 94-142. Public Law 94-142 was a response to Congressional concern for two groups of children: the more than one million children with disabilities who were excluded entirely from the education system and the children with disabilities who had only limited access to the education system and were therefore denied an appropriate education. This latter group comprised more than half of all children with disabilities who were living in the United States at that time.

These issues of improved access became guiding principles for further advances in educating children with disabilities during the last quarter of the 20th century.

First 25 Years of Progress

To achieve the national goals for access to education for all children with disabilities, a number of special issues and special populations have required federal attention. These national concerns are reflected in a number of key amendments to the Education for the Handicapped Act (EHA) and IDEA between 1975 and 1997.

Focus: Young Children and their Families. The 1980s saw a national concern for young children with disabilities and their families. While Public Law 94-142 established programs and services for children 3 through 21 years that were consistent with State law, the 1986 Amendments (P.L. 99-457) to EHA established two new programs in which States could elect to participate (birth through two and three through five) that provided programs and services from birth. Through such sustained federal leadership, the United States today is the world leader in early intervention programs for infants, toddlers, and preschool children with disabilities. These programs prepare young children with disabilities to meet the academic and social challenges that lie ahead of them, both while in school and in later life. For example, IDEA has supported the development, validation, and widespread use of:

- State-of-the-art models of appropriate programs and services for young children with disabilities (birth through five years) and their families.
- Individualized Family Service Plans (IFSPs) to identify and meet the unique

needs of each infant and toddler with a disability and his or her family.

- Effective assessment and teaching practices and related instructional materials for young children and their families.
- National network of professionals dedicated to improving early intervention and preschool special education at the state and local levels.
- Collaboration with other federal, state, and local agencies to avoid duplication of efforts in providing early intervention and preschool special education.

Focus: Vocational and Transition Support. At the other end of the childhood age continuum, IDEA has supported the preparation of students for vocational success through new and improved transition programs. The 1983 Amendments to EHA (P.L. 98-199), the 1990 Amendments to EHA (P.L. 101-476), which changed the name to the Individuals with Disabilities Education Act (IDEA), and the IDEA Amendments of 1997 (P.L. 105-17) supported initiatives for transition services from high school to adult living. Because of these mandates, each student's IEP must include transition plans or procedures for identifying appropriate employment and other post-school adult living objectives for the student; referring the student to appropriate community agencies; and linking the student to available community resources, including job placement and other follow-up services. The IEP must also specifically designate who is responsible for each transition activity. Finally, the 1997 Amendments to IDEA specified that transition planning should begin at age 14 or earlier as appropriate.

Focus: Least Restrictive Environment. The nation has also been concerned, during the last 25 years, with expanding the opportunities for educating children with disabilities in the least restrictive environment. For example, in the early 1980s, IDEA supported several Severely Handicapped Institutes to develop and validate effective approaches for integrating children with significant disabilities with their nondisabled family members at home and their nondisabled classmates at school. Through such efforts, today, millions of children with significant disabilities are attending their neighborhood schools and learning the life skills they will need for full, active participation in integrated activities with their family members, friends, neighbors, and co-workers.

Focus: Culturally Relevant Instruction. IDEA has supported the provision of culturally relevant instruction for diverse learners in mainstreamed environments. Throughout the 1980s, IDEA-supported Minority Handicapped Research Institutes documented that culturally and linguistically diverse students with disabilities make, at best, limited progress in school programs that employ poorly designed instruction in segregated environments. Building on and extending the work of these institutes, IDEA has supported the development and validation of culturally relevant assessment and intervention practices. States are now required to report progress by race/ethnic category and disability. Beginning with the 2000 ***Annual Report to Congress on the Implementation of IDEA***, data on race and ethnicity are presented.

Focus: Families. From the beginning of special education legislation, families of children with disabilities have been considered important partners in meeting the needs of children with disabilities. IDEA includes key principles to guide families and professionals to work together to enhance the educational opportunities for their children. IDEA requires active parent participation throughout the educational process, including the development of the child's IEP. In addition, IDEA requires that schools report progress to parents of children with disabilities as frequently as they report to parents of nondisabled children. The overall goal is to maintain an equal and respectful partnership between schools and families.

Focus: Qualified Workforce. Finally, IDEA has continued the long-standing federal commitment to provide an adequate supply of qualified teachers. Today, hundreds of thousands of professionals specializing in early childhood and special education are being trained with IDEA support. These professionals include early intervention staff, classroom teachers, therapists, counselors, psychologists, program administrators, and other professionals who will work with future generations of children with disabilities and their families. In addition, IDEA has supported states and localities in meeting their identified challenges for personnel preparation. For example, IDEA supported local communities that were developing and implementing early childhood programs; schools serving students with low-incidence disabilities, such as children who are blind or deaf or children with autism or traumatic brain injury; and schools in rural or large urban areas, where financial and other resources are often scarce.

Additional Resources on the History of IDEA

Other sources of information on the history of IDEA can be found in the following resources:

- U.S. Office of Special Education Programs (1997). ***IDEA training package***. Washington, DC: Author. See Module 3. Available on the NICHCY web site at **www.nichcy.org**. ☒
- National Information Center for Children and Youth with Disabilities (NICHCY) (2000). ***Questions and answers about IDEA: News digest***. Washington, DC: Author. Available on the NICHCY web site at **www.nichcy.org**. ☒
- Silverstein, R. (2001). ***A congressional insider's view of IDEA '97: The whats, whys, and wherefores***. Keynote presentation at the ASPIIRE and ILIAD Cadre of Trainers Institute, Arlington, VA. Available on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.
- Silverstein, R. (2000). ***Emerging disability policy framework: A guidepost for analyzing public policy***. Washington, DC: U.S. Department of Education, National Institute on Disability and Rehabilitation Research. May be downloaded at **http://www.comop.org/rrtc/rrtc/Indivdocs/IA_LAW_ REVIEW_BOOK_AUG_2000.txt**. May be accessed through a link from the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Provisions in IDEA that Support Achievement

IDEA places increased emphasis on improving results for children with disabilities. Following is a summary of relevant research and knowledge generated by experts working in the area related to IDEA provisions that support achievement for children and youth with disabilities:

- IEP.
- Educational environments (least restrictive environment).
- School climate and discipline.

- State and district-wide assessments.

In addition, the literature scan includes leadership as it pertains to supporting implementation of IDEA. [*Note*: This discussion is limited to the provisions in IDEA and does not address any additional information that states and local systems may require.]

Individualized Education Program (IEP)

All children benefit from appropriate educational programs. Children with disabilities who are determined eligible to receive special education or related services have a right to an appropriately developed educational program. To this end, one of the original tenets of IDEA is providing each school-aged child with a disability who requires special education and related services with an IEP. The IEP creates an opportunity for teachers, parents, school administrators, related service providers, and students (when appropriate) to work together to improve educational results.

IDEA provisions aim to strengthen academic expectations and accountability for children with disabilities and to bridge the gap that has too often existed between what those children learn and the regular curriculum. The individualized education program now must relate more clearly to the general curriculum that children in regular classrooms receive.

An IEP describes the child's special needs and how special education, general education, and related services will be provided to meet those needs and improve educational results. IDEA has numerous provisions for IEP development and review, including who develops the IEP, what must be included in the IEP, and what the IEP team must consider when developing the IEP.

Connections to Research: IEPs

IEPs offer many advantages, including improved relationships between families and school staff, clarification of program goals and directions, and the provision of information about the child's academic program (Gallagher & Desimore, 1995). Over the years, the IEP has been investigated in a variety of ways. These include:

- **Compliance research**. These studies—many of which pre-date the 1997 provisions—looked at the absence or presence of IEP provisions in actual practice (Smith, 1990a). Recent research has focused on special considerations, such as the presence of transition and behavior goals in IEPs (Grigal, Test, Beattie, & Wood, 1997).
- **Analysis of team involvement**. Primarily, the research has focused on who is participating in IEP team meetings. Specifically, studies show limited general education teacher participation (McLaughlin, 1995; Pugach, 1982; Smith, 1990b). Other research showed the need to increase parent participation (McLaughlin, 1995; Skinner, 1991). One of the research strands regarding parent participation concerns cultural diversity and the need to improve practices as they relate to collaborating with parents from diverse cultural and ethnic backgrounds (Bennett, Zhang, & Hojnar, 1998; Harry, 1992; Harry, Allen, & McLaughlin, 1995; Kalyanpur & Rao, 1991).
- **Attempts to streamline and manage the IEP process and accompanying documentation**. In the early years, a research strand focused on asking stakeholders to report on the difficulties they faced

in implementing IEPs, such as too much paperwork, too time consuming, and too costly (Morgan & Rhode, 1983; Smith, 1990b).

- **Identification of quality issues**. In the past, researchers—mostly using surveys—have identified a number of concerns regarding why IEPs sometimes are not implemented and used fully. Studies have uncovered stakeholder perceptions that some IEPs lack relevance to teaching and learning, are of little utility to general education teachers, and prescribe content that is irrelevant (e.g., goals and objectives have no relationship to diagnostic assessment; lack of functional/age-appropriate objectives) (Dudley-Marling, 1985; Fiedler & Knight, 1986; Gallagher & Desimore, 1995; Giangreco, Dennis, Edelman, & Cloninger, 1994; Goodman & Bond, 1993; Lynch & Beare, 1990; Michnowicz, McConnell, Peterson, & Odom, 1995; Smith, 1990a). Some researchers have called for cultural sensitivity in the development of IEPs (Bennett, Zhang, & Hojnar, 1998; Sontag & Schacht, 1994).

It is important to note that each reauthorization of IDEA addressed many of the issues raised in the research as needing improvement. For example, IDEA has provisions concerning:

- **Goals**. IDEA has tackled the issue of goals being too limited with provisions regarding participation in the general curriculum. Special education has been framed as a service, not a place or curriculum. Further, IDEA links the IEP to the broader State and district-wide outcomes with its provisions related to participation in State and district-wide assessments. Special considerations (e.g., assistive technology, behavior, etc.) support students in participating in the least restrictive environment. Finally, IDEA provides that goals must be measurable, evaluated, and achievable—an important step toward ensuring that the IEP will be implemented.
- **Parent participation**. IDEA has provisions regarding participation in meetings and other activities. Further, IDEA recognizes natural environments and family involvement in developing IFSPs.
- **Regular teacher involvement**. IDEA now has provisions that strengthen the participation of regular teachers in developing and implementing IEPs.

Educational Environments: Providing Supports and Services in the Least Restrictive Environment

All children learn best in environments that respect and honor their unique learning abilities and needs. Like all children, students with disabilities want to learn and achieve alongside their nondisabled peers. IDEA ensures that children with disabilities receive a free appropriate public education. One of the original tenets of IDEA is serving children with disabilities in the least restrictive environment—and to the extent appropriate with nondisabled peers. For young children with disabilities, there is an emphasis on providing appropriate activities, early intervention, services, and supports in as natural an environment as appropriate.

Students with disabilities are entitled to special education and related services—as well as supplementary aids and services—that may be needed to achieve their IEP goals. IDEA emphasizes that special education is a service and not a place, and as such, supports and services should be delivered to the child in the least restrictive environment. In addition to related services, IDEA requires that any particular devices and services (e.g., assistive technology and services) that children with disabilities need in order to meet their learning goals be provided in the least restrictive environment as well.

Bringing special education and related services to students and integrating them into educational programs may have additional advantages. Fragmentation may be reduced and learning time may be gained, enabling the student to focus more quality attention on the task at hand. Generalization of skills also may be fostered (Wilcox, Kouri, & Caswell, 1991). A secondary advantage may be the shared professional knowledge that occurs with collaboration.

To this end, IDEA presumes that children with disabilities will participate in the general curriculum, with supports and services as appropriate. However, IDEA also provides for a continuum of educational settings based on students' needs.

Further, IDEA assumes that only those children who are formally found to have a disability and who, as a result, require special education and related services are identified for such services. Indeed, no discussion of educational environments is complete without reference to the persistent concern that too often children from diverse ethnic and cultural backgrounds are inappropriately referred to special education and found to have a disability when none exists. Despite litigation, monitoring, and compliance activities, the disproportionate number of racial and ethnic minority students who are identified, referred, evaluated, classified, and placed in special education in relation to their representation in the overall school population continues to exist (U.S. Department of Education, 2000). Moreover, once identified for special education, placements for these children tend to be more restrictive with fewer services than their non-minority peers. For students from diverse ethnic and cultural backgrounds, there is no evidence that misclassification or inappropriate referral for special education services results in improved achievement; moreover, such practices may have significant consequences, particularly when these result in children being removed from regular education settings and being denied access to the regular education curriculum—which may result in limited access to postsecondary education and employment opportunities (NABSE & ILIAD, 2002; National Research Council, 2002).

Connections to Research: Educational Environments

Today, more than six million children from birth through 21 years of age receive a broad range of special education and early intervention services (ERIC Clearinghouse on Disabilities and Gifted Education, 2001). Throughout the years, research has been concerned with documenting educational environments and services for children with disabilities. IDEA calls for a continuum of services to be provided for children ages three through 21. The U.S. Department of Education collects this information from the States.

One of the most consistent sources of information on the environments in which students with disabilities are being educated is the U.S. Department of Education, Office of Special Education Programs' ***Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act***. In a recent Report to Congress (2000), it was shown that:

- 8.75 percent of the general school population (ages 6 through 21) were served by special education and related services. The number of students receiving special education grew by 30 percent, while school enrollment grew by 14 percent.
- In 1997-98, 75 percent of students with disabilities, ages 6 through 21, were educated in general education classrooms, which has increased from a decade ago.

These numbers suggest that progress continues to be made toward providing services to students with disabilities in less restrictive settings.

As the percentage of students with disabilities served in regular education environments has increased, researchers have considered general education as a setting by asking questions such as, "Does general education have the resources and supports needed to provide a quality education to students with disabilities?" (Baker, 1995; Fuchs, Fuchs, Hamlett, Phillips, & Karns, 1995; Gelzheiser, Meyers, Slesinski, Douglas, & Lewis, 1997; McIntosh, Vaughn, Schumm, Haager, & Lee, 1993; Walker, Sprague, Close, & Starlin, 1999; Zigmond, 1995). Researchers have approached this question in numerous ways, including investigating whether general education teachers use strategies found to be effective in the special education literature, general education teachers' capacity to incorporate individualized adaptations, general educators' capacity to implement accommodations for limited English proficient students with disabilities, teacher attitudes toward students with disabilities, and whether students with severe disabilities were meeting IEP goals and objectives in general education classrooms (Baker, 1995; Baker & Zigmond, 1990; Cook, 2001; Fletcher, Bos, & Johnson, 1999; Schumm & Vaughn, 1995; Zigmond, 1995). Overall, this line of research has yet to prove conclusive in determining the effectiveness of different environments on the achievement of school-aged children with disabilities.

On an encouraging note, a number of studies report that with appropriate supports and services, students with disabilities may make comparable gains in regular education classrooms (Freeman & Alkin, 2000; Klingner, Vaughn, Hughes, Schumm, & Elbaum, 1998; Saint-Laurent, Dionne, Giasson, Simard, & Pierard, 1998; Shinn, Powell-Smith, Good, & Baker, 1997; Waldron & McLesky, 1998). In general, researchers have found modest positive outcomes associated with part-time and full-time regular education placements with special education and related services support for students with mild academic disabilities (Manset & Semmel, 1997; Schulte, Osborne, & Erchul, 1998; Schulte, Osborne, & McKinney, 1990). Concurrently, researchers have found that some students with more severe disabilities require more than in-class support to achieve (Klingner, Vaughn, Hughes, Schumm, & Elbaum, 1998).

Teacher supports and services as they relate to different educational environments for children have been considered in the professional literature. Success in less restrictive settings, such as general classrooms, may be due partly to the integration of special and related services into those settings. Teachers and service providers tend to favor integrated services and perceive such support as important to children's' achievement (Giangreco, Edelman, MacFarland, & Luiselli, 1997; McWilliam & Bailey, 1994; Welch, Richards, Okada, Richards, & Prescott, 1995).

In line with this emerging literature base, IDEA has provisions to include regular education teachers in IEP development and to allow professional development to be considered as a possible support in a child's IEP. Among the professional development and support suggestions cited by experts working in the area are to provide planning time, training, personnel assistance, materials and resources, and a low student-staff ratio (or lower class size) (Bennett, DeLuca, & Bruns, 1997; Gelzheiser & Meyers, 1996; Glomb & Morgan, 1991; Logan & Malone, 1998; Scruggs & Mastropieri, 1996; Werts, Wolery, Snyder, Caldwell, & Salisbury, 1996). Other suggestions include the use of collaborative consultation and co-teaching arrangements, assignment of paraprofessionals to classrooms, and general education teacher participation in the IEP process (Elksnin, 1997; Farber, Denenberg, Klyman, & Lachman, 1992; Saint-Laurent, Dionne, Giasson, Royer, Simard, & Pierard, 1998; Walther-Thomas, Bryant, & Land, 1996; Wilcox, Kouri, & Caswell, 1991).

School Climate and Discipline

All children and youth benefit from a safe and orderly learning environment. From a prevention approach, clear expectations and positive behavioral support—in addition to a fair and equitable discipline system—provide a structure that fosters active student engagement in instruction and learning activities.

IDEA addresses discipline with provisions related to how schools respond to serious behavior (due process) and how the IEP must address behavior proactively. IDEA has provisions that reflect a prevention focus—in addition to intensive services and supports. If a child with a disability exhibits behaviors that impede his or her learning and/or the learning of others, any appropriate positive behavioral interventions, strategies, and supports to address that behavior must be considered.

Connections to Research: School Climate and Discipline

Research is only starting to emerge on the educational effects of providing positive interventions and supports to children with disabilities. In general, experts in the area have long held that children who are in appropriate educational programs will have the opportunity to learn. Research has born this out by showing that when students with disabilities are suspended or expelled and their education is disrupted, they are likely to fail courses and drop out (Tobin & Sugai, 1999; Wagner, 1991). Unfortunately, research shows a disproportionate relationship between the use of exclusionary discipline practices (e.g., suspensions and expulsions) and the ethnicity of the students with disabilities (National Research Council, 2002; Skiba, Peterson, & Williams, 1997; Townsend, 2000).

With these points in mind, research knowledge generated by experts in the area typically focuses on the following issues related to behavior and IDEA:

- **What do we know about positive behavioral interventions and supports?** Positive behavioral support is a general term that refers to the culturally appropriate application of positive behavioral interventions and systems to achieve socially important behavior change (U.S. Department of Education, 2000). Positive behavioral support was initially developed for use with students with significant disabilities who engaged in extreme forms of self-injury and aggression (Durand & Carr, 1985). In recent years, positive behavioral support has been applied successfully with a wide range of students (from an intervention approach for individual students to an intervention approach for entire schools) and in a variety of contexts (Colvin, Kame'enui, & Sugai, 1993; Colvin, Sugai, Good, & Lee, 1997; Lewis, Sugai, & Colvin, 1998; Sugai & Horner, 2001). Recently, researchers have begun to document the efficacy of positive behavioral support when used schoolwide, and have found that as the behavioral culture of the school improves, behavior improves, academic gains are experienced, and more time is directed toward academic instruction (Sugai & Horner, 2001).

- **What do we know about functional behavioral assessments?** Functional behavioral assessment has been used to develop situational-appropriate interventions for students with developmental disabilities in special education (Carr & Durand, 1985). While there are few applications of functional behavioral assessment with students in general education classrooms, when used in concert with other assessment approaches it may help provide an informative profile of a student who is not succeeding in school (Blair, Umbreit, & Bos, 1999; Broussard & Northrup, 1995; Chandler, Dahlquist, Repp, & Feltz, 1999; Dunlap, Kern-Dunlap, Clarke, & Robbins, 1991; Dunlap, Kern, DePerczel, Clarke, Wilson, & Childs, 1993; Lewis & Sugai, 1996; Umbreit, 1995; & Vollmer & Northrup, 1996).

In general, school administrators support IDEA provisions. A 1998 study conducted by the U.S. General Accounting Office designed to determine how IDEA affected the ability of schools to maintain a safe environment conducive to learning found that many of the responding principals (86%) reported viewing IDEA policies for students receiving special education services favorably or neutrally (as reported in Markowitz, 2000).

State and District-wide Assessments

In many states and school districts, large scale assessments help educators gauge how well students are achieving high standards. Including all children in assessment programs can help to ensure a high quality educational experience for each student by creating high education expectations for all children and accountability for the educational results of all students. Everyone—administrators, service providers, families, policymakers, and other stakeholders--should know how successful they are in preparing all students to meet high standards.

IDEA and the *No Child Left Behind Act (NCLB) of 2001*, which amended the *Elementary and Secondary Education Act*, provide that students with disabilities must participate in State and district-wide assessments of student progress with individual accommodations as needed. For a low percentage of students with disabilities, participation may require an alternate State or district assessment.

Requirements for including all children in assessments are based on a number of federal laws, including:

- Section 504 of the Rehabilitation Act of 1973 (Section 504).
- Title II of the American with Disabilities Act of 1990 (ADA).
- No Child Left Behind (NCLB).

- Individuals with Disabilities Education Act Amendments of 1997 (IDEA).

The U.S. Senate Committee on Labor and Human Resources in a report dated May 9, 1997 reaffirmed the existing federal law requirement that children with disabilities participate in State and district-wide assessments. The report noted that IDEA provides parents and educators with tools to promote improved educational results for children with disabilities through early intervention, preschool, and educational experiences that prepare them for later educational challenges and employment. One of those tools is the provision that children with disabilities must be included in State and district-wide assessments of student progress with individual modifications and accommodations as needed.

Since the provisions in IDEA went into effect, more students with disabilities now participate in State and district-wide assessment programs than in previous years (Gronna, Jenkins, & Chin-Chance, 1998; Thompson & Thurlow, 1999). This increase may be due, in part, to increased awareness, greater use of accommodations, and the introduction of alternate assessments (Shriner & Thurlow, 1992; Thompson & Thurlow, 1999). Further, data shows that many students with disabilities pass State assessments (Ysseldyke, Thurlow, Langenfeld, Nelson, Teelucksingh, & Seyfarth, 1998).

Connections to Research: State and District-wide Assessments

The research base related to supporting student participation in State and district-wide assessments of achievement is emerging. Although nearly every state has a statewide assessment program, historically, participation of students with disabilities has been minimal with varying participation from one state to another (Elliott, Erickson, Thurlow, & Shriner, 2000; McGrew, Thurlow, & Spiegel, 1993; Shriner & Thurlow, 1992).

One focus of research has been to track the participation of students with disabilities in statewide educational reform and accountability efforts, identify current practices and policies related to statewide assessments, and describe how states report the performance of students with disabilities in large-scale assessments (Erickson, Thurlow, & Ysseldyke, 1996; Thurlow, House, Scott, & Ysseldyke, 2000). The IDEA provisions for participation can be seen as addressing the identified absence of students with disabilities in such assessments.

Participation in State and district-wide assessments may require the use of assessment accommodations or modifications in administration. Assessment accommodations and modifications are alterations in the way a test is administered, or how a student responds. Providing accommodations to students who need them increases the number of students with disabilities who can take district and State assessments and thus be included in the accountability system. Research on accommodations reveals that more students are using accommodations during assessments (Thompson & Thurlow, 1999; Thurlow, 2001).

Researchers have begun to study the use of accommodations with students with disabilities. The primary goal is to determine whether the use of certain accommodations threaten test validity or score comparability, as well as being useful to specific students (Thurlow, McGrew, Tindal, Thompson, Ysseldyke, & Elliott, 2000; Tindal, Helwig, & Hollenbeck, 1999). Presently, there is a lack of consensus about what constitutes an appropriate accommodation. Variations can be found among state policies (Thurlow, Elliott, Ysseldyke, & Erickson, 1996; Thurlow, House, Scott, & Ysseldyke, 2000), and the psychometric, legal, and practical challenges of such policies typically are not researched (Johnson, Kimball, Brown, & Anderson, 2001). Findings have been inconclusive with regard to technical concerns (e.g., technical adequacy, validity, comparability) associated with particular accommodations on different types of tests (McDonnell, McLaughlin, & Morison, 1997; Tindal & Fuchs, 2000).

Studying accommodations is a complex task due to the multiple variables that must be taken into account. Emerging research is beginning to address specific issues related to supporting the participation of students with disabilities in State and district-wide assessments. For example, research findings:

- Suggest that providing students with learning disabilities, as a group, the opportunity to read tests aloud may be warranted on reading tests; whereas extended time and large print may not be warranted on reading tests (Fuchs, 2000; Fuchs, Fuchs, Eaton, Hamlett, Binkley, & Crouch, 2000). Reading test items aloud on math assessments also may be warranted (Johnson, 2000; Tindal, Heath, Holllenbeck, Almond, & Harniss, 1998).
- Suggest that providing students with learning disabilities, as a group, with more time may not be warranted on math computation tests; however, providing them with more time, allowing them to use calculators, and allowing them to read aloud may be warranted on math concept and application assessments (Fuchs, 2000).
- Have proven inconclusive with regard to the effects of accommodations (e.g., using a bilingual test book and bilingual dictionary or glossary; varying the setting by way of providing one-on-one testing, allowing extended time, reading aloud the test instructions; allowing the use of Braille, large print, or technology) on students with disabilities who have limited English proficiency (Albus, Bielinski, Thurlow, & Liu, 2001; Hafner, 2000).
- Support the continued exploration of the potential of speech recognition as an assistive technology that permits students with severe writing problems to dictate their compositions and test responses (MacArthur & Cavalier, 1999; MacArthur & Cavalier, no date).
- Underscore the need to provide assessment accommodations as part of instruction (Ysseldyke, Thurlow, Bielinski, House, Moody, & Haigh, 2001).

Leadership

On a daily basis, school leaders must demonstrate that they uphold and support the legal requirements of IDEA, as well as assume responsibility for oversight and monitoring of the school program (NAESP & ILIAD, 2001). In some cases, this involves ensuring due process as it relates to requirements for IEP development, discipline procedures for students with disabilities, parent communication, least restrictive environment, and student participation in State and district-wide assessments. But in all cases, it is a matter of understanding how IDEA supports achievement for students with disabilities and how school leaders can play a role in ensuring its implementation.

Connections to Research: Leadership

The following discussion summarizes areas of concern for individuals serving in leadership roles.

Collaboration. IDEA emphasizes a team approach when planning a child's educational program. Experts hold that many of the law's provisions—developing the IEP, evaluating a child who is suspected of having a disability, providing services and supports to a child with a disability in the least restrictive environment, and planning transition—are enhanced through collaborative means (O'Shea & O'Shea, 1997).

Experts in the area suggest a link between student achievement and collaboration, primarily as it relates to delivery of services and support of instructional personnel in implementing effective practices (Karge, McClure, & Patton, 1995; Noell & Witt, 1999). Further, collegial support also may be associated with improved practice, as well as improved work conditions (Cooley & Yovanoff, 1996; Gersten, Keating, Yovanoff, & Harniss, 2001; Whitaker, 2000). School leaders report having the necessary skills and competencies to guide collaborative-based educational delivery systems (Foley & Lewis, 1999). Thus, they are positioned to support collaboration among special educators, general educators, related service providers, support staff, families, and community agency staff, as appropriate (Hehir, 1999; Williams & Katsiyannis, 1998).

Standards-based Reform. Beyond due process, leaders may have a positive effect on student achievement by ensuring that students with disabilities are included in schoolwide reform efforts designed to increase the achievement of all students. As Congress affirmed in IDEA, the education of children with disabilities can be made more effective by having high expectations for them and by ensuring their access to the general education curriculum to the maximum extent appropriate (Warlick, 2000).

Although special education has played a limited role in designing educational reforms, students with disabilities increasingly are being included in standards, assessments, and accountability systems—key areas thought to promote achievement (U.S. Department of Education, 1997). When students with disabilities are included in total school reform efforts, researchers have identified several features that support their achievement—leadership, collaboration between special and general education, and effective classroom practices (ERIC/OSEP Special Project, 2002). Experts working in the area suggest that additional resources and powerful instructional technologies will be required to ensure positive outcomes for these students (Cook, Gerber, & Semmel, 1997).

Leaders can support reform efforts by ensuring that students with disabilities receive high quality instruction and curricula that enables them to meet standards and pass large-scale assessments (Heubert, 2000). They also can be proactive in ensuring that reform efforts do not have unintended results, such as increasing the number of students retained and the number of students who drop out (Quenemoen, Lehr, Thurlow, & Massanari, 2001; Quenemoen, Lehr, Thurlow, Thompson, & Bolt, 2000).

A Qualified Workforce: Supporting Recruitment and Retention. Recent research has underscored the importance of quality teaching for student achievement (Carlson & Billingsley, 2001). One way leaders may ensure instructional quality is to advocate for the recruitment of qualified staff. Qualified teachers include those who (Carlson & Billingsley, 2001; Council for Exceptional Children, 1998):

- Have educational background in the area of teaching.
- Hold certification in the area of teaching.
- Have passed mandated teacher tests, as appropriate.

Efforts to recruit qualified staff from diverse cultural and linguistic backgrounds—as well as those with multicultural and bilingual preparation—also should be undertaken, especially in light of changing demographics (Harry, Grenot-Scheyer, Smith-Lewis, Park, Xin, & Schwartz, 1995; Santos, 1999; Valles, 1998). Increasingly, service providers will need to be responsive to families who may hold different cultural values and beliefs; they also need to be capable of delivering services that are culturally and linguistically responsive and relevant (Harry, 1992; Harry, Allen, & McLaughlin, 1995; Sexton, Lobman, Constans, Snyder, & Ernest, 1997).

Retention of qualified staff is another area in which educational leaders can play an important role. Special education teacher attrition—leaving teaching or transferring to general education—happens at a greater rate than for general educators (Boe, Bobbitt, Cook, Whitener, & Weber, 1997; Boe, Cook, Bobbitt, & Weber, 1996). High teacher attrition affects the number of positions that are held by unqualified personnel and the personnel costs of filling vacant positions (Wald, 1998).

A large part of retention, as well as recruitment of qualified staff, entails fostering work conditions that support qualified teachers, related service providers, and paraprofessionals (SPeNSE, 2000). Experts working in the area suggest that better working conditions result in lower staff turnover and fewer transfers.

Among the variables associated with teacher attrition are stress, role overload, poor school climate, and lack of administrative support (e.g., not including staff in important decisions, not acknowledging successes) (Carlson & Billingsley, 2001; Council for Exceptional Children, 1998; Crutchfield, 1997; Gersten, Gillman, Morvant, & Billingsley, 1995; Miller, Brownell, & Smith, 1999). Working conditions associated with educators remaining in their professional field include having sufficient time to teach and collaborate, as well as access to needed resources and professional development (Gersten, Keating, Yovanoff, & Harniss, 2001; Miller, Brownell, & Smith, 1999; Schnorr, 1995). Having a supportive principal also is considered by special educators as an incentive (Gersten, Gilman, Mowant, & Billingsley, 1995; Schnorr, 1995).

Paraeducators. In recent years, there has been a growing reliance on paraeducators (also referred to as paraprofessionals) to provide instructional support in the delivery of special education and related services (Katsiyannis, Hodge, & Lanford, 2000; U.S. Department of Education, 1999). Paraeducators spend at least 10 percent or more of their time on each of the following activities (Gonzalez & Carlson, 2001):

- Providing instructional support in small groups.
- Providing one-on-one instruction.
- Modifying materials.
- Implementing behavior management plans.
- Monitoring hallways, study halls, etc.
- Meeting with teachers.
- Collecting data on students.
- Providing personal care assistance.

In addition to hiring appropriately trained paraeducators, school leaders must ensure that they are appropriately supervised once on the job (French, 2001; Giangreco, Edelman, & Broer, 2001; Wallace, Shin, Bartholomay, & Stahl, 2001). Research suggests that paraeducators who regularly meet with teachers on lesson planning, curriculum development, or other collaborative work related to instruction feel more confident in their ability to implement special education services (SPeNSE, 2001).

Professional Development. Leaders can support staff members in helping children with disabilities achieve by providing them with meaningful professional development opportunities (Council for Exceptional Children, 1998; NAESP & ILIAD, 2001; Wald, 1998). When considering professional development for direct service personnel, leaders may wish to provide ongoing opportunities to develop skills relative to current work environments. For example, the Study of Personnel Needs in Special Education (SPeNSE), which is an OSEP-funded research project charged with studying the working conditions in special education, found that the least common content areas in which special educators received professional development were supervising paraprofessionals, working with parents, and collaborating with related services providers--all key to supporting achievement for children with disabilities (Gonzalez & Carlson, 2001). Further, staff should be prepared to respond effectively to learners from varying cultural and linguistic backgrounds (Harry, Grenot-Scheyer, Smith-Lewis, Park, Xin, & Schwartz, 1995).

Summary

The progress that children and youth with disabilities are making demonstrates that high-quality education—combined with early intervention, special education, and related services—can result in higher achievement. With the support of IDEA, administrators, service providers, families, and policymakers are ensuring that children and youth with disabilities are learning and achieving to their potential.

Section 3: Connections to Relevant Materials*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

The purpose of this section is to connect users to materials, some of which have been reviewed by OSEP for consistency with IDEA. The materials have been written for a number of different audiences—service providers, administrators, families, policymakers, and other stakeholders.

It is important to note that while many quality materials exist, the ones chosen for inclusion in the ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package have particular applicability to administrators and service providers. For a listing of OSEP-reviewed materials, visit the National Information Center on Children and Youth with Disabilities (NICHCY) at **www.nichcy.org**.

Organization of the Annotations—Relevant Materials

Information in the annotations is organized as follows:

- Name of the resource.
- Author.
- Publication date.
- Publisher.
- Availability. Many of the documents may be downloaded from the Internet, in which case links are provided. In the few cases where documents must be purchased, information is given to that effect. More detailed ordering information can be found on the ASPIIRE/ILIAD web site: **www.ideapractices.org**.
- Format. Information is given about the resource, such as whether it is print or media-based, number of pages (as appropriate), and availability in an alternate language (e.g., Spanish) or format (e.g., Braille).
- Brief description.
- Possible uses. A brief description of how to use and/or share the materials is offered. Occasionally, **Information Builders**—suggestions for activities that utilize the resource—will be offered. In some instances, tools (e.g., sample activities, blackline masters, handouts, checklists) that may be used in the context of sharing the product are referenced. These tools are found in the appropriate appendix.

Annotated Materials

Discover IDEA CD 2002 ☒

Author: Produced by the IDEA Partnership Projects, Education Development Center, Western Regional Resource Center at the University of Oregon, & National Information Center for Children and Youth with Disabilities

Publication Date: 2002

Published By: Arlington, VA: Council for Exceptional Children

Available From: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**

Format: CD-ROM.

Brief Description: This CD provides information on the Individuals with Disabilities Education Act to educators, related services providers, parents, advocates, administrators, and policymakers who strive for quality education for all children. Contents of this CD include:

- The Individuals with Disabilities Education Act (P.L. 105-17).
- Complete Final Regulations and analysis of comments taken verbatim from the ***Federal Register*** of March 12, 1999.
- Additional 34 C.F.R. Part 300 materials, including an overview; topical briefs; special interest briefs for administrators, parents, and teachers; discipline questions and answers; and a summary of 10 major issues prepared by the U.S. Department of Education, Office of Special Education Programs.
- Selected Annual Reports to Congress on the Implementation of the Individuals with Disabilities Education Act.
- Training materials, including letters of clarification from OSEP.
- A list of IDEA-related publications that have been reviewed by OSEP for consistency with IDEA regulations.
- Contact information for U.S. Department of Education, Office of Special Education Programs funded centers, institutes, labs, and partnerships.

Possible Uses: The CD makes an excellent reference tool. While the tool in and of itself is useful in the context of discussions (e.g., have the CD installed in a laptop and refer to it during the course of a meeting or a professional development session), it can also be used to support a presentation on the law by providing a visual display of the topic. After familiarizing yourself with the CD, consider the following Information Builders as ways to extend its use.

INFORMATION BUILDER C.a

Review Glossary

One of the most useful features on the CD is a glossary of definitions and acronyms used in the IDEA Final Regulations. The CD allows users to click on a listing of terms for definitions. It also provides an acronym table that lists acronyms used in the IDEA Regulations, their meaning, the section in which they are defined, and an index listing of where the acronym is used in the regulations. While the tool in and of itself is useful in the context of discussions (e.g., have the CD installed in a laptop and refer to it during the course of a meeting or a professional development session), it can also be used to support a presentation on the law by providing a visual display of the terms. If you are a staff developer, workshop leader, or course instructor, you may want to build participants' memory of these acronyms and definitions with the use of team games (e.g., Baseball, Concentration, variations of Jeopardy).

The FAPE project has produced three "Facts-on-Hand" documents that may supplement the CD glossary:

- *Acronyms and Special Education*
- *Acronyms and Agencies*
- *Acronyms and the Law*

These documents are available on the FAPE web site at **www.fape.org**.

INFORMATION BUILDER C.b

Consider Provisions

Consider provisions that are of special interest to different constituents. Click on the "Law and Regulations" option and a menu will present you with a listing of different documents available on the CD. Three of the topical briefs include: "Provisions of Special Interest to Administrators," "Provisions of Special Interest to Teachers," and "Provisions of Special Interest to Parents." These OSEP-developed documents provide a quick reference guide to provisions in IDEA that have been determined to be of particular interest to the different stakeholder groups. Review the briefs and consider distributing them to colleagues and constituents.

Staff developers, workshop leaders, and course instructors may find that these briefs provide a structure for organizing presentation content. For example, the first topic in the administrator's brief is discipline—a topic of great interest to administrators—while the first topic in the teacher's brief is IEPs. If you are working with a group representing a variety of roles and responsibilities, you may want to use these briefs as a guide (see **Appendix C-2**). For example, discussions with the entire group may cover discipline, IEPs, and definitions; however, participants may be grouped with others who share their roles (e.g., teacher, administrator, parent) to discuss the provisions related to them in more depth.

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Discover IDEA: Supporting Achievement for Children with Disabilities [Video and Brochure]

Author: The Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE), & the IDEA Local Implementation by Local Administrators Partnership (ILIAD)

Publication Date: 2001

Published By: Arlington, VA: Council for Exceptional Children

Available From: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**

Format: The videotape (VHS) is close captioned in English and in Spanish. The accompanying brochures are in both English and Spanish.

Brief Description: The video (approximately 15 minutes) presents an overview of several of the provisions in IDEA designed to support achievement. Those featured are:

- **Develop an individualized education program**. Each school-aged child with a disability who is IDEA eligible must have an IEP that describes his or her special needs and how special education, general education, and related services will be provided to meet those needs and improve educational results.
- **Provide supports and services in the least restrictive environment**. IDEA provides for a continuum of educational settings based on students' needs. However, IDEA also provides that each student is to be educated in the least restrictive environment—to the extent appropriate with nondisabled peers.
- **Address behavior that impedes learning proactively**. IDEA has provisions that reflect a prevention focus—in addition to intensive services and supports. If a child with a disability exhibits behaviors that impede his or her learning and/or the learning of others, any appropriate positive behavioral interventions, strategies, and supports to address that behavior must be considered.
- **Ensure participation in State and district-wide assessments**. IDEA provides that students with disabilities must participate in State and district-wide assessments of student progress with individual accommodations as needed. For a low percentage of students with disabilities, participation may require an alternate State or district assessment.

Discover IDEA: Supporting Achievement for Children with Disabilities lets you hear from educators, related service providers, family members, and children themselves across the nation who attest to the impact of IDEA in ensuring that children with disabilities learn and achieve to their potential. The video received an Honorable Mention in the 2000 Communicator Awards and 2001 Videographer Awards. It also received the 2002 Gold Aurora Award.

The video is accompanied by a brochure that summarizes the main points in the video and provides information about the IDEA Partnership Projects and other selected resources. Twenty copies of the brochure in English and twenty copies in Spanish are included with each video package. [*Note*: The same video also is included in the inside cover of this package.]

Possible Uses: The videotape is designed to serve as the centerpiece of all activities in the

Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide package. For example, it may be used to:

- **Communicate information one-on-one**. The video and brochure may be shared with colleagues, families, and other stakeholders. It might be loaned for home use, featured in a video lending library, or be made available for private viewing in the school or office building. Because of its broad audience appeal, the video also may be distributed to elected leaders such as school board members, county supervisors, or congressional representatives.
- **Set the context for a workshop, university class, study team session, or staff meeting**. The video may be used to orient participants to the theme: IDEA supports achievement for children with disabilities.
- **Summarize a presentation**. Just as the video might be used to open a professional development session, it also may be used to close one.
- **Serve as a roll-in for a satellite or public access cable broadcast**. Many districts and organizations share information via broadcast media. The video may be supplemented by panel discussions featuring local representatives who have responsibilities for implementing IDEA.

Corresponding segments of it also may be used to introduce different Pathway Guide topics. The following Information Builders are suggested for using the video.

INFORMATION BUILDER C.c

Discuss the Video

When using the video, the following discussion questions may be useful:

- In what ways does IDEA place increased emphasis on improving results for children with disabilities?
- How has your school or district implemented the provisions featured in the video?
- A number of stakeholders were featured in the video. Do you agree or disagree with their comments? Are you familiar with the roles and responsibilities of each? Are there other stakeholders who were not featured in the video who play an important role in your school or organization?
- If you had been asked to make a comment in the video, what would you have said?
- Many classrooms and school environments were shown in the video. What were some of the practices (e.g., team teaching, assistive technology, delivering related services in the classroom) you observed in these classrooms about which you would like additional information?

INFORMATION BUILDER C.d

Review the Resources

You are encouraged to check out the web sites listed in the brochure for additional information (see Section 4 in the Discover IDEA Core Module for more information about these and other web sites). If working on a team or in a small group, assign different web sites to individuals, have them investigate, and then report their findings to the group.

IDEA 1997 General Overview Questions and Answers ☒

Author: U.S. Department of Education, Office of Special Education (OSEP)

Publication Date: 1999

Published By: Washington, DC: Author

Available From: The document can be downloaded from the ASPIIRE/ILIAD web site at **www.ideapractices.org**. It also is available on *Discover IDEA CD 2002* (described elsewhere in this section).

Format: Four-page document.

Brief Description: OSEP answers nine frequently asked questions (FAQ) about IDEA, including:

- How will the law help children with disabilities reach higher levels of achievement?
- What about parents? How are parents involved in decisions about their child's education?
- Will more children with disabilities be placed in regular classroom settings under the law?
- How does the law change the roles and responsibilities of regular classroom teachers?
- How will IDEA prevent inappropriate placements for minority children?
- How will this law help school districts meet the costs of special education?
- How does IDEA promote safe, well-disciplined schools?
- How does the law affect infants, toddlers, and preschoolers with disabilities?
- Will these changes and requirements affect the number of lawsuits and due process hearings by parents and legal bills for school districts?

Possible Uses: This guide primarily serves as a quick reference to frequently asked questions about key provisions in IDEA. It may be duplicated and distributed to colleagues (e.g., at meetings, in their mail boxes). When using the FAQ in the context of professional development (e.g., study teams, workshops, courses, staff meetings), consider the following information building activities.

INFORMATION BUILDER C.e

How Well Do You Know the Law?

Frequently, presenters and facilitators use game formats to help participants process the information. The questions and answers in this FAQ may be used in a variety of game formats, such as Baseball, Jeopardy, and Who Wants to Be a Millionaire?

INFORMATION BUILDER C.f

Online Search of the Related Provisions

The answers to the questions in this FAQ reflect provisions found in the law. Using the answer as a basis, ask participants to find the corresponding sections in the law. If working with a large group, divide participants into small groups and assign a different question and answer to each. Access IDEA regulations online at **www.ideapractices.org** or on the **Discover IDEA CD 2002**. [*Note*: This activity may be used in the context of helping individuals learn how to use the search functions in the aforementioned resources.]

INFORMATION BUILDER C.g

Role Play

Using the scenarios in **Appendix C-3** (or ones of your own creation), ask participants to role play situations in which the FAQ questions are asked and the answers are given. In preparation for the role play, consider giving participants an opportunity to study the provisions reflected in the answers (e.g., see previous activity on searching the law, have the activity follow a presentation on the information).

INFORMATION BUILDER C.h

Investigate the Context of the FAQ

In all cases, there is an historical precedent for the question. For example, IDEA cites past practices related to inappropriate placements for minority children as a critical issue to be addressed; research (see discussion in Section 2 of this Core Module) has shown consistent problems related to parent and regular education teacher participation in IEPs; and IDEA has never been fully funded. Ask participants (e.g., study team colleagues, teacher education students) to investigate the context for one or more of the FAQs. Discuss how the 1997 Amendments to IDEA address some of the historical issues related to the provisions mentioned in the FAQs.

IDEA Requirements for Preschoolers with Disabilities: IDEA Early Childhood Policy and Practice Guide ☒

Author: Walsh, S., Smith, B., & Taylor, R.

Publication Date: 2000

Published By: Arlington, VA: Division for Early Childhood [DEC] of the Council for Exceptional Children

Available From: The document is available in html and PDF formats on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. A printed version may be ordered from Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Format: 52-page print guide.

Brief Description: This guide assists early childhood general educators, early childhood special educators, related service providers, parents, administrators, and others in understanding what IDEA requires for young children with disabilities ages birth through five years and their families. Throughout the guide, practice and resource recommendations from DEC are offered. Topics include:

- Identification, evaluation, and eligibility.
- Special education and related services.
- Individualized Education Program or Individualized Family Services Plan (IFSP).
- Least restrictive environment.
- Procedural safeguards.
- Challenging behavior. [*Note:* As an added benefit, a pull-out guide is presented that lists IDEA Part B provisions related to challenging behavior.]
- Accountability.

Possible Uses: This reference guide offers a focused look at IDEA as it relates to young children. If you will be addressing individuals with an early childhood interest (e.g., elementary school administrators, preschool personnel, parents, teachers, and related service providers), this guide can help you prepare information in ways that are specific to this group.

Further, the commentary found in the margin can be used to enhance presentations or discussions about IDEA. For example, when discussing least restrictive environment, the guide refers the reader to a discussion in the Attachment 1: Analysis of Comments and Changes section of the law. Such information may deepen your knowledge base and position you to provide fuller and richer descriptions of the concept, which in this case is least restrictive environment and its relationship to the education of young children with disabilities.

In addition, the notes from DEC enable the user to connect to best thinking in the early childhood special education field. Many of these notes identify professionally endorsed statements or positions such as:

- DEC's "Position on Inclusion" that is endorsed by the National Association for the Education of Young Children (NAEYC) at **www.dec-sped.org**.
- DEC's position paper, "Developmental Delay as an Eligibility Category" at **www.dec-sped.org**. DEC suggests that readers may gain further knowledge about this position paper by reviewing the web site of the National Early Childhood Technical Assistance Center (formerly NECTAS) at **www.nectac.org**.

These notes also direct readers to larger issues related to the topic at hand. For example, when discussing who develops the IEP or IFSP, DEC recommends that for a preschooler with a disability, the special educator member of the team should be an early childhood special educator. DEC then goes on to point out that personnel standards recommended for early childhood special educators are available from DEC (**www.dec-sped.org**) and that DEC's standards match standards from other groups—NAEYC and the Association of Teacher Educators (ATE)—in calling for early childhood special educators to "possess a common core of knowledge and skills with the early childhood educator as well as specialized knowledge and skills regarding young children birth through age eight with special needs and their families."

When using the guide for professional development (e.g., study teams, workshops, courses, staff meetings), consider the following Information Builder activities.

INFORMATION BUILDER C.i

Pre-Assessment

Pre-assessments can be used to help leaders organize material for a group, as well as to help orient participants to a topic. Pages six through nine of the DEC guide list the questions answered in the guide. As a pre-assessment, ask participants to review the questions. Have them rate the questions using a system such as: **K** (I know the answer to this), **T** (I think I know the answer to this), **N** (I have no idea what the answer is to this question). Convene the group and compare results.

As a variation to this activity, ask participants to rate the questions in terms of priority. For example, 1 is high priority (I need this answered now), 2 is priority (I think this is important information, but it is not essential to my work that I have an answer today), 3 is low priority (I would like to know this information eventually). Compare ratings within the group.

INFORMATION BUILDER C.j

Test Your Knowledge Jigsaw

This activity may be used to help participants immerse themselves in the information related to one of the DEC guide's topics: general information; identification, evaluation, and eligibility; special education and related services; IEPs or IFSPs; least restrictive environment; procedural safeguards; challenging behavior; and accountability. Select one of these topics and have participants form small groups. Ask members in each group to select a question or two and study the answer (allow five minutes). Next, ask group members to attempt to answer each question. The "expert" member for that question assesses the group's accuracy and corrects or adds information as appropriate.

INFORMATION BUILDER C.k

Appendix A of the IDEA Part B Regulations

Throughout the DEC guide, reference is made to Appendix A (Notice of Interpretation) and Attachment 1 (Analysis of Comments and Changes—these are based on an analysis of issues raised by public comments), both of which provide additional guidance from the U.S. Department of Education on selected regulations. Introduce the purpose of these resources and provide an opportunity for participants to familiarize themselves with them.

For example, using ***Discover IDEA CD 2002*** (or go to the ASPIIRE/ILIAD web site at **www.ideapractices.org**), direct participants to Appendix A and Attachment 1. For demonstration purposes, refer to the questions cited in ***IDEA Requirements for Preschoolers with Disabilities: IDEA Early Childhood Policy and Practice Guide*** (see **Appendix C-4** for an activity sheet).

Individuals with Disabilities Education Act (IDEA): A Workshop for Families, Advocates, and Self-Advocates ☒

Author: Families and Advocates Partnership for Education (FAPE)

Publication Date: 1999

Published By: Minneapolis, MN: Families and Advocates Partnership for Education (FAPE), PACER Center

Available From: FAPE, PACER Center, 8161 Normandale Boulevard, Minneapolis, MN 55437, 888-248-0822 (toll free), 952-838-0190 (TTY), **www.pacer.org**.

Format: CD-ROM, IDEA file transparencies and curriculum in Spanish; IDEA file transparencies and curriculum with Native American graphics.

Brief Description: This one-volume training package on the IDEA contains a curriculum for trainers and accompanying overheads. Designed for use with parents, the materials focus on what they need to know about the special education process.

The CD provides workshop files for the following topics:

- **IDEA (curriculum files).** The IDEA curriculum files (English only, with Spanish transparencies, Native American graphics) are verbatim sections of the regulations. They are organized around the following topics: free appropriate public education, appropriate evaluation, individualized education program, least restrictive environment, parent and student participation in decision-making, and procedural safeguards.
- **IDEA (transparency files).** The IDEA transparency files (English, Spanish translation, and Native American graphics) contain workshop transparencies (slides) that can be used for a screen show or to print transparencies.
- **Positive behavioral intervention (transparency and curriculum files).** The positive behavioral intervention curriculum and transparencies files contain transparencies or slides and curriculum notes. These files also are available in print format in the training package, ***Positive Behavioral Interventions***, available from PACER.

Possible Uses: In addition to providing training tools for parent workshops and meetings, this CD can be used to supplement training activities with other groups as well. Information Builders that may supplement this product follow.

INFORMATION BUILDER C.1

Use Transparencies as Worksheets or Handouts When Explaining the Information

It is sometimes helpful to have a worksheet or print guide to review while discussing a particular topic. Such guides help focus attention, as well as leave the learner with a written document to review at a later time.

INFORMATION BUILDER C.m

Create KWL Forms for Selected Transparencies

Many of the transparencies present a concept or provision key to understanding IDEA. When working either independently or with a group, use a KWL technique to orient you to the topic. The K refers to what is already known about the topic, the W refers to what you want to know, and the L refers to what you have learned after studying the topic. For example, before introducing the transparencies related to a free appropriate public education, ask yourself or participants in a session, "What do you know about FAPE?" Then, follow with the question, "What do you want to know about FAPE?" Next, review the information provided in the curriculum and transparencies. Afterward, reflect on what you/participants have learned and check to see if all of the information requested was received. If making handouts of the transparencies, the KWL questions may be written on the back side.

INFORMATION BUILDER C.n

Make a Glossary

A number of the transparencies contain definitions for terms found in IDEA (e.g., functional behavioral assessment, related services, assistive technology devices). Make copies of these transparencies and bind into a glossary.

IDEA Training Package ☒

Author: U.S. Department of Education, Office of Special Education Programs (OSEP)

Publication Date: 1997

Published By: Washington, DC: Author

Available From: NICHCY web site at **www.nichcy.org**.

Format: Text file or PDF file of pages (more than 500 total); transparency masters in English and Spanish.

Brief Description: This is a comprehensive training package on IDEA. It includes a training curriculum with overheads prepared in both English and Spanish. The training package is comprised of the following modules or chapters:

- Introduction.
- Inspirational overheads.
- Using this manual.
- Preparing a training session.
- History of IDEA.
- Six principles of IDEA.
- Free and appropriate public education (FAPE).
- Appropriate evaluation.
- Individualized education program (IEP).
- Least restrictive environment (LRE).
- Parent and student participation in decision making.
- Procedural safeguards.
- Spanish materials.
- Resources.

The explanatory text is a useful resource to have on hand when referring to each of these topics.

Possible Uses: Basically, this resource is designed as a stand-alone training package that may be used either in total or part. In addition, the package offers other opportunities for personal development, such as:

- **Ideas for organizing training sessions**. Module 2 presents information related to planning and conducting training sessions. Attention is given to adult learning theory. If you are new to the training field, or desire a review of basics, then plan to spend some time studying the information in Module 2. After you have planned your training session, compare your agenda to the suggested one in the module (see **Appendix C-5**). Also, consider using the Planning Worksheet (resource 2-2, located on **www.nichcy.org**) as a checklist for handling logistics. Addressing these questions is essential to ensuring a successful training event.
- **Inspirational quotes**. The training package offers a selection of quotes that may be used to inspire participants. Review these quotes and identify those that affect you in a profound way. Consider sharing these with your colleagues. Or, create your own file of inspirational quotes. Interview individuals to whom you have always looked for guidance and wisdom, and ask them to contribute quotes that you might circulate as well.
- **Connections to related documents**. Throughout the training package, references are made to other documents such as the *Annual Report to Congress on Implementing of the Individuals with Disabilities Education Act, Committee on Labor and Human Relations Report* [to accompany S. 717], and *OSEP Memoranda*. Consider familiarizing yourself with these (and other) relevant documents. Note how the author(s) provides rationale for the particular provision in IDEA. You may find these documents on the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**. The *Discover IDEA CD 2002* also contains links to these documents, as does the ASPIIRE/ILIAD web site at **www.ideapractices.org**. In addition, overheads that capture the main points of OSEP's letters on IDEA are found on the NICHCY web site at **www.nichcy.org**.

Questions and Answers About IDEA ☒

Author: National Information Center for Children and Youth with Disabilities (NICHCY)

Publication Date: January 2000

Published By: Washington, DC: Author

Available From: Download from the NICHCY web site at **www.nichcy.org**. Or contact NICHCY at P.O. Box 1492, Washington, DC 20013, 800-695-0285.

Format: 28-page news digest report.

Brief Description: This news digest (ND21, second edition) answers questions about IDEA. Topics include:

- Background information on IDEA.
- Purposes of IDEA.
- Accessing services.
- Individualized education program (IEP).
- Procedural safeguards.
- Resources.

Possible Uses: While this news digest is directed at families, it may be appropriate to share with other stakeholders. When using the frequently asked questions (FAQ) document in the context of professional development (e.g., study teams, workshops, courses, staff meetings), consider the following information building activities.

INFORMATION BUILDER C.o

Scavenger Hunt

This warm-up activity offers a way for a large group of participants to meet each other while becoming oriented to the content. Directions for playing the scavenger hunt follow. Identify the questions and answers you wish to cover from the news digest (there are a possible 29 questions and answers) and make a copy of each. Eventually, you will pass one (or two, depending on the size of the group) of these out to each participant.

Next, create scavenger sheets (see sample in **Appendix C-6** and template in **Appendix C-7**). Depending on the size of the group, make up several versions of the scavenger sheet. Each sheet should contain four to five questions. For example, if you are using all 29 questions, then version one may contain questions one through five, version two may contain questions 6 through 10, and so on. Duplicate enough for each participant to have his or her own sheet. In the activity, participants will be required to find a person with the answer to each question on their scavenger sheet.

Begin the activity by explaining the procedures. Distribute questions and answers and allow participants five minutes to review the information. Next, distribute scavenger sheets to each participant. Invite participants to begin the scavenger hunt. Allow approximately 15 minutes or end the activity after one person has answered all questions. Use this activity as a segue into a discussion of IDEA.

INFORMATION BUILDER C.p

Rewrite Questions

The questions in the news digest were written for family members. Ask participants to rewrite questions with different constituents in mind (e.g., administrators, teachers, related service providers). As an extension to this activity, ask participants to generate additional questions that their constituents may have regarding IDEA. Time permitting, ask participants to rewrite answers for their constituents.

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INFORMATION BUILDER C.q

Jigsaw Approach

To orient participants to the information in the News Digest, consider using a jigsaw approach. Direct participants to form four small groups. Assign each group one of the digest topics (e.g., purpose of IDEA, accessing services, IEP, procedural safeguards). Ask members in each group to select one of the questions and review the answer. Allow five minutes. Next, ask each group member to share what they have learned about the question with fellow members. To complete the activity, ask each group to summarize their findings and report to the larger group.

INFORMATION BUILDER C.r

Test Your Knowledge of IDEA

Use this activity to help participants immerse themselves in the content. Distribute the quiz in Core Appendix C-8. Ask participants to answer as many questions as they can independently. Allow 5 to 10 minutes. Next, ask participants to form small groups and share answers. Distribute copies of the news digest to each group and invite them to check their answers.

Answer Key: 1) a,b,d,f [34 C.F.R. §300.1]; 2) a,b,c,d,e,f,g,h,i,j,k,l [34 C.F.R. §300.7]; 3) true [34 C.F.R. §300.26]; 4) true [34 C.F.R. §300.24]; 5) a,b [34 C.F.R. §§300.503, 300.505]; 6) b,c,e,f,h,i,j,k,m [34 C.F.R. §300.347]; 7) a,b,c,e,f,g,h [34 C.F.R. §300.344]; 8) true [34 C.F.R. §300.506]; 9) a,b,c,d [34 C.F.R.§§300.520-300.529]; 10) a,b [34 C.F.R. §300.550]

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Other Materials

This section contains additional materials. Materials might include those that may have been produced prior to the release of the 1999 IDEA regulations, that cover information that is more technical in nature, or that target specialized audiences. A brief annotation is provided for each; however, Information Builders have not been included. [*Note:* Information on obtaining many of these materials is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Or, visit the NICHCY web site at **www.nichcy.org** for links to the documents.]

Every Single Student PEER Project

Citation: Federation for Children with Special Needs (FCSN) (2000). ***Every single student PEER Project***. Boston, MA: Author.

Available From: The entire manual may be downloaded from the PEER Project link on the FCSN web site at **www.fcsn.org**. Or, contact FCSN at 1135 Tremont Street, Suite 420, Boston, MA 02120, 617-236-7210, **www.fcsn.org**.

Brief Description: This manual focuses on standards-based education and children with disabilities prior to the passage of NCLB. The manual is divided into 13 sections that explore topics such as standards, curriculum and instruction, accommodations, assessment, and the legal basis for including students with disabilities in education reform. Most sections contain an information brief and a fact sheet (available in English and Spanish).

An Overview of the Individuals with Disabilities Education Act Amendments of 1997 (P.L. 105-17): Update 1999

Citation: Knoblauch, B., & McLane, K. (1999). ***An overview of the Individuals with Disabilities Education Act Amendments of 1997 (P.L. 105-17): Update 1999***. Arlington, VA: ERIC Clearinghouse on Disabilities and Gifted Education.

Available From: ERIC Clearinghouse on Disabilities and Gifted Education, Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 800-328-0272 (toll free), 866-915-5000 (TTY toll free), **www.ericec.org**.

Brief Description: This two-page ERIC Digest (#576) summarizes some of the provisions in IDEA. The digest may be used as a handout (e.g., distributed during professional development sessions; sent with mailings such as newsletters).

IDEA Amendments of 1997: News Digest ☒

Citation: National Information Center for Children and Youth with Disabilities (NICHCY) (1998). ***IDEA Amendments of 1997: News digest***. Washington, DC: Author.

Available From: Download from NICHCY web site at **www.nichcy.org**. Or contact NICHCY at P.O. Box 1492, Washington, DC 20013, 800-695-0285 (toll free voice or TTY).

Brief Description: This news digest looks in detail at the major changes that took place in the 1997 IDEA. To help individuals see some of the principle areas where the IDEA has changed and where it has remained essentially the same, selected information is presented in a side-by-side analysis of the previous law with the current law.

A User's Guide to the 1999 IDEA Regulations ☒

Citation: Silverstein, R. (1999). ***A user's guide to the 1999 IDEA Regulations***. Washington, DC: Center for the Study and Advancement of Disability Policy.

Available From: Document may be downloaded from the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Brief Description: This 56-page report offers a tool for understanding the major policies included in the IDEA regulations (***Federal Register***, March 12, 1999). For each regulation in which there was a change from a previous regulation, the reader is told whether the change is a restatement, an addition, or an elaboration. The guide also highlights basic sources of changes in the regulations, including references to the statute (states whether the regulation has been changed, and if so, to what extent), references to the legislative history, and existing policy interpretations that are set out in notes, correspondence, or policy memos. This document is designed as a reference guide for the serious student of IDEA who seeks a total understanding of the regulations. It may be particularly helpful for school administrators and policymakers.

Section 4: Connections to Web-Based Resources*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

Many web sites exist that connect users to materials, resources, and information on IDEA. While many web sites that address the needs of children with disabilities exist, only those that provide relevant information related to IDEA and supporting achievement for children with disabilities have been chosen for inclusion in this section. In some cases, the site may only mention IDEA, while in others more substantive resources on the topic are available. Frequently, the sites refer users to other web sites related to the topic.

Often, documents referenced in ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** can be downloaded from a particular site. Become familiar with—maybe even bookmark—the sites that are referenced most frequently in this package. They include:

- **www.ideapractices.org**—home of the Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE) and the IDEA Local Implementation by Local Administrators Partnership (ILIAD) projects.
- **www.fape.org**--home of the Families and Advocates Partnership for Education (FAPE) project.
- **www.ideapolicy.org**—home of the Policymaker Partnership project.
- **www.ed.gov/offices/OSERS/OSEP/** —home of the Office of Special Education Programs (OSEP).
- **www.nichcy.org**—home of the National Information Center for Children and Youth with Disabilities (NICHCY).

This section presents selected web sites that address IDEA in more elaborate ways, such as:

- Offering an online document on the topic.
- Providing information on IDEA provisions.
- Linking to resources on IDEA.

Following are descriptions of web sites, along with suggestions for visiting them for the purpose of finding out more information on IDEA. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

ASPIIRE and ILIAD Partnership Projects

www.ideapractices.org

Housed At: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-4332 (toll free), 866-915-5000

(TTY toll free).

Brief Description: The Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE) brings together teachers, related service providers, and paraprofessionals to support implementation of the IDEA requirements. The IDEA Local Implementation by Local Administrators Partnership (ILIAD) project works to increase the knowledge and supports the efforts of local administrators by addressing the general requirements of IDEA.

The award-winning web site contains a variety of resources on IDEA. Users of ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** are encouraged to bookmark this site (**www.ideapractices.org**) as it is updated frequently. Further, you may subscribe to **IDEAnews**, which is sent periodically via email. It contains a wealth of information, including IDEA news briefs, information, and links to new additions on the ASPIIRE/ILIAD **www.ideapractices.org** web site, links to other resources, and announcements. You may subscribe online by going to **www.ideapractices.org**.

Council for Exceptional Children (CEC)

www.cec.sped.org

Housed At: 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-CEC-SPED (toll free), 866-915-5000 (TTY toll free).

Brief Description: Council for Exceptional Children is the largest international professional organization dedicated to improving educational outcomes for individuals with exceptionalities, students with disabilities, and/or the gifted. In addition to linking to the IDEA Partnership Projects, the web site contains a number of resources related to IDEA and supporting achievement for children with disabilities. Examples include:

- **Publications and Professional Development**: CEC publishes a variety of products and hosts many professional development events related to supporting achievement for students with disabilities. Descriptions and announcements are found here. *CEC Today*, a newsletter of the organization, may be accessed on the site.
- **Special Initiatives**: Spotlight features describe initiatives undertaken by CEC, such as CEC's initiative on special education teaching conditions (look for it on **www.cec.sped.org**).

You also may link directly to the National Clearinghouse on Special Education Careers (**www.special-ed-careers.org**) and the ERIC Clearinghouse on Disabilities and Gifted Education (**www.ericec.org**) from the CEC web site.

ERIC Clearinghouse on Disabilities and Gifted Education (ERIC EC)

http://www.ericec.org

Housed At: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 800-328-0272 (toll free), 866-915-5000 (TTY toll free).

Brief Description: ERIC is an acronym for the Educational Resources Information Center. ERIC EC gathers and disseminates the professional literature, information, and resources on the education and development of individuals of all ages who have disabilities and/or who are gifted. The web site contains a number of resources (that may be downloaded) related to IDEA and supporting achievement for children with disabilities. Examples include:

- ***ERIC EC digests***: Download digests—short reports that provide a basic overview, plus pertinent references—on a variety of topics organized as follows: cultural diversity, early childhood, gifted education, instruction and management, specific disabilities, and policies and procedures.
- ***Research Connections in Special Education***: Read back issues of this publication that synthesizes OSEP-supported research on topics such as including students with disabilities in State and district-wide assessments, positive behavioral supports, and transition to adult life.
- ***Topical briefs***: Find more in-depth information about topics such as universal design for learning.

Families and Advocates in Partnership for Education (FAPE)

www.fape.org

Housed At: PACER Center, 8161 Normandale Boulevard, Minneapolis, MN 55437, 888-248-0822 (toll free), 952-838-0190 (TTY).

Brief Description: FAPE links families, advocates and self-advocates to communicate the focus of IDEA. The web site contains a number of resources related to IDEA and supporting achievement for children with disabilities. Examples include:

- **IDEA law and regulations**: Visit this section to find information about legislation affecting IDEA and the final regulations for IDEA.
- **Significant case decisions on IDEA**: This section provides summaries of key case decisions related to IDEA.
- **Special education topics**: This section provides information related to IDEA. Many documents may be downloaded. In addition, materials that are provided in languages other than English may be accessed easily.

Federal Resource Center for Special Education (FRC)

www.dssc.org/frc/idea.htm

Housed At: Academy for Educational Development, 1825 Connecticut Avenue, NW, Washington, DC 20009, 202-884-8215, 202-884-8200 (TTY).

Brief Description: The FRC supports a nationwide technical assistance network to respond to the needs of students with disabilities, especially students from underrepresented populations. The web site contains a number of resources related to IDEA and supporting achievement for children with disabilities. Examples include:

- **IDEA**: Here you will find online the IDEA Regulations, the law, monitoring resources, OSEP activities (e.g., interpretive memos), and State Improvement Grant resources.
- **Federal resources**: Here you will find links to different federal laws and initiatives that may have an impact on the education of children with disabilities. Also included are links to federal agencies that administer programs that affect the lives of children and adults with disabilities.
- **Technical assistance**: The FRC coordinates the Special Education Technical Assistance and Dissemination (TA&D) network. A listing with links of relevant projects and centers funded by the U.S. Department of Education are found here.
- **Publications**. Several publications (e.g., *Special Education in an Era of Reform*) are provided and may be downloaded.

National Association of State Directors of Special Education (NASDSE)

www.nasdse.org

Housed At: NASDSE, 1800 Diagonal Road, Suite 320, Alexandria, VA, 22314, 703-519-3800, 703-519-7008 (TTY).

Brief Description: NASDSE is dedicated to assisting State agency staff carry out the mission of ensuring a quality education for students with disabilities. The web site contains a number of resources related to IDEA and supporting achievement for children with disabilities. Examples include:

- **Projects**: In addition to the Policymaker Partnership (see description below), NASDSE supports a number of projects. For example, the FORUM project identifies information needed to improve the management, administration, delivery, and effectiveness of education programs and services, and develops information and policy documents on emerging and critical issues.
- **Publications**: A variety of publications--such as Quick Turn Around reports (e.g., *State Level Initiatives Related to Training and Supervision of Paraprofessionals*) and Synthesis Briefs (e.g., *Student Discipline and IDEA: Synthesis of GAO Report*)—may be downloaded from here.

National Information Center for Children and Youth with Disabilities (NICHCY)

www.nichcy.org

Housed At: NICHCY, P.O. Box 1492, Washington, DC 20013, 800-695-0285 (toll free voice and TTY).

Brief Description: NICHCY is a national information and referral center that provides information on disabilities and disability-related issues primarily for families, although educators and other professionals may benefit from them as well. The web site contains a number of resources (some in languages other than English) related to IDEA and supporting achievement for children with disabilities. Examples include:

- **IDEA publications reviewed by OSEP**: Links are provided for publications on IDEA that OSEP has reviewed for consistency with the law.
- **Publications**. Here you will find a variety of publications that may be downloaded, including resource lists, fact sheets, briefing papers, news digests, and issues papers. Mini-posters also are available that contain contact information. Student guides and technical assistance guides feature step-by-step instructions and practical information on topics such as student involvement and transition.
- **State resource sheets**: Here you will find information about organizations and agencies within each state that address disability-related issues.
- **Information centers**: Here you will find links to other resources related to serving the needs of children and adults with disabilities.

In addition to providing web-based resources, NICHCY information specialists are available to speak with you about your area of interest or concern.

Parent Advocacy Coalition for Educational Rights Center (PACER Center)

www.pacer.org

Housed At: 8161 Normandale Boulevard, Minneapolis, MN 55437, 800-537-2237 (toll free in MN), 952-838-9000, 952-838-0190 (TTY).

Brief Description: The mission of the PACER Center is to expand opportunities and enhance the quality of life of children and youth with disabilities and their families, based on the concept of parents helping parents. PACER directs a number of projects including FAPE and the Alliance project, which is the national coordinating office for consultation and technical assistance for 100 federally-funded parent centers across the country under IDEA. The web site contains a number of resources (some in languages other than English) related to IDEA and supporting achievement for children with disabilities. Examples include:

- **Legislative information**: Find recent federal legislative and administration actions related to students with disabilities.
- **Publications**: Find a listing of educational materials for parents and service providers on issues related to special education and disabilities.
- **Articles**: Find a collection of articles developed by PACER staff that may be downloaded. Among the many topics are juvenile justice, early childhood, and transition.

Policymaker Partnership Project

www.ideapolicy.org

Housed At: National Association of State Directors of Special Education (NASDSE), 1800 Diagonal Road, Suite 320, Alexandria, VA, 22314, 703-519-3800, 703-519-7008 (TTY).

Brief Description: The Policymaker Partnership, located at the National Association of State Directors of Special Education, increases the capacity of policymakers to act as informed change agents who are focused on improving educational results for students with disabilities. The web site contains information related to IDEA, including:

- **Regulations, laws, and reports**: In addition to providing links to IDEA and its Regulations, you may also access Reports to Congress on the Implementation of IDEA and IDEA's history.
- **Mini webs**: Here you will find specific topics organized by national education priorities and technical assistance documents.
- **Newslink**: PMP's online newsletter.

U.S. Department of Education (ED)

www.ed.gov

Housed At: U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20002, 800-USA-LEARN.

Brief Description: The U.S. Department of Education's web site houses a variety of resources related to education, including links to the Office of Special Education Programs (OSEP) (see below for full description). Of particular relevance to the ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package are the following links, which can be accessed directly from the ED home page. Examples include:

- **National Center for Education Statistics (NCES)**. **www.nces.ed.gov.** NCES is the main entity for data collection and analysis related to the condition and progress of education in the U.S. The site contains relevant information related to supporting achievement for students with disabilities. Examples include: Frequently Asked Questions (e.g., accommodating students with disabilities and students with limited English proficiency in the National Assessment of Educational Progress [NAEP] [**http://nces.ed.gov/nationsreportcard/**]); Statistical Analysis Reports (e.g., profiles of students with disabilities as identified in the National Education Longitudinal Study [**http://nces.ed.gov/pubs97/97254.html**]); and the Condition of Education (e.g., inclusion of students with disabilities in the least restrictive environment [**http://nces.ed.gov/pubs99/condition99/Indicator-20.html**]).
- **Ed Pubs On-Line Ordering System** (ED Pubs). **http://www.ed.gov/pubs/index.html**. Go here to identify and order current U.S. Department of Education publications and resources.
- **Annual Report Tables**. **www.ideadata.org**. This is where you will find the data used to prepare the Annual Report to Congress on the Implementation of Individuals with Disabilities Education Act.

U.S. Department of Education, Office of Special Education Programs (OSEP)

www.ed.gov/offices/OSERS/OSEP/

Housed At: U.S. Department of Education, Washington, DC.

Brief Description: OSEP has primary responsibility for administering programs and projects relating to the free appropriate public education of all children, youth, and adults with disabilities, from birth through age 21. To this end, the OSEP web site provides information and resources, such as:

- **IDEA**: Here you can download a copy of the regulations, in addition to other print documents prepared and/or reviewed by OSEP for consistency with IDEA.
- **Projects and grants**: Here you will find information related to program-funded activities, grant resources, State Improvement Grants, and currently funded OSEP projects.
- **Online publications**: Here you will find a variety of OSEP documents (including the Annual Report to Congress on the Implementation of IDEA for years 1995-2001) that may be downloaded.
- **Ongoing studies**. OSEP supports a number of longitudinal studies related to the educational progress of children with disabilities.
- **Partners and related links**: Here you will find various OSEP-funded technical assistance and dissemination projects.

Section 5: Connections to References*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

The following are references cited in this section. The majority of them have not been reviewed by OSEP for consistency with IDEA and no endorsement by OSEP is implied. However, those citations that have been reviewed by OSEP are indicated with an "x" (☒). [*Note:* **Appendix C-9** contains the references sorted by topic area.]

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Appendix* C-1

Literature Scan: Process for Selecting Citations*

The purpose of the literature scan was to identify research and knowledge generated by experts working in the area (e.g., published reports, theoretical treatises, and general position statements that are not themselves research but that reflect promising practice) that complement the ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package. The theme of the package is that provisions in IDEA support achievement. To that end, the literature was scanned in general regarding IDEA and achievement, and specifically regarding each of the topics featured in the package—IEPs, educational environments (including least restrictive environment), school climate and discipline, State and district-wide assessments, and leadership—and their relationship to supporting achievement for children with disabilities. In other words, if the article was just on IEPs and did not address achievement, then it was not considered for inclusion in the reference list. In addition, a scan was done of literature related to cultural and linguistic diversity. Information related to this topic was integrated throughout each Pathway Guide, as appropriate.

*[*Please note that only the materials in this appendix which have been marked with an ▣ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

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Appendix C-1, continued

The following steps were taken to complete the literature scan:

- Conduct ERIC search. Research conducted during the last 10 years related to achievement and IDEA, and achievement and each of the topics (IEP, educational environments, school climate and discipline, State and district-wide assessment, leadership) was examined. Research and articles written by experts doing work in the area that appeared to have relevance were gathered.
- Conduct other searches. Three search engines were used to identify research conducted within the last six years. The rationale for limiting the search was to make sure that the information gathered was timely and applicable to IDEA. Research articles that appeared to have relevance were gathered.
- Survey the table of contents of the several major special education journals (previous five to six years—*Exceptional Children, Journal of Special Education*, etc.) to identify articles relevant to the topics. Research articles that appeared to have relevance were gathered.
- Review reference lists at the back of gathered articles for additional resources. Research articles that appeared to have relevance to IDEA and student achievement were gathered.
- Scan reference lists in the OSEP-reviewed resources that are being featured in the ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package for possible resources. Additional research articles gleaned through this step were added to the final list.
- Identify gaps in the research (e.g., lack of research on leadership issues and their relationship to how IDEA supports achievement). Usually these resulted when a topic was relatively new (e.g., the effectiveness of interim alternative educational settings). Calls were put out to experts familiar with the knowledge base for suggestions. This step yielded primarily the following: confirmation that there was a gap in the research base and/or the offering of articles written by experts doing work in the area, or chapters in books.
- Review and mark articles that were relevant to the ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package. A working summary of major findings within each topical area was created. A list of related topics referenced in the research and expert knowledge base—but that were not pursued in the scanning process—were identified.

Appendix C-2

Matrix of Topics

	Administrator	Teacher	Parent
Definitions	X	X	X
Free Appropriate Public Education	X	X	X
Discipline Procedures	X	X	X
Children with Disabilities in Public Charter Schools	X		X
Children Experiencing Developmental Delays	X	X	X
Individualized Education Programs	X	X	X
Procedural Safeguards	X		X
Evaluation-Eligibility	X	X	X
Least Restrictive Environment	X		X
State Complaint Procedures	X		X
Methods of Ensuring Services—Public and Private Insurance	X	X	X
Children Enrolled by Their Parents when FAPE is an Issue	X	X	X
Parentally-Enrolled Children in Private Schools	X	X	X

Accompanies

INFORMATION BUILDER C.b

Appendix C-3

Sample Role Play Scenarios

Scenario 1: Media Interview

The local press or the editor of an organizational newsletter wants an interview about IDEA. The headline is: Law Helps Children with Disabilities Reach Higher Levels of Achievement. Roles may include:

- News reporter or professional organization editor.
- Administrator, point person, teacher, parent, related service provider, or other stakeholder.

As a variation, role play a panel discussion at which the question is asked, "How will the law help children with disabilities reach higher levels of achievement?"

[Note: This scenario also may work well for the FAQ, "How will IDEA 1997 prevent inappropriate placements for minority children?"]

Accompanies

INFORMATION BUILDER C.g

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Appendix C-3, continued

Scenario 2: Parent Meeting

Parents want to know how the law affects their involvement in their child's education. Teachers and related service providers want to know if they have additional responsibilities related to parent involvement. In this role play, consider staging a parent-teacher/service provider meeting, parent-administrator meeting, or parent advisory committee meeting. Roles may include:

- Meeting facilitator (e.g., administrator, parent leader).
- Parent.
- Teacher, related services provider, or administrator.

Within the role play, ask the question, "How are parents involved in decisions about their child's education?"

[Note: This scenario also may work well for the FAQ, "How does IDEA affect infants, toddlers, and preschoolers with disabilities?"]

Accompanies

INFORMATION BUILDER C.g

Appendix C-3, continued

Scenario 3: Teacher Meeting

Regular education teachers want to know how provisions in IDEA affect them. For example, they want to know if they have additional roles and responsibilities related to children with disabilities, and if so, they want to know what kinds of support are available to assist them in carrying out their responsibilities. In this role play, consider staging a teacher-service provider/special education teacher meeting, staff meeting, or session at a professional organization conference. Roles may include:

- Teacher.
- Related service provider or special education teacher.
- Administrator.
- Session leader (e.g., point person, organizational trainer, course instructor).

Within the role play, ask the questions, "Will more children with disabilities be placed in regular classroom settings under the law?" and "How does the law change the roles and responsibilities of regular classroom teachers?"

[Note: This scenario also may work well for the FAQ, "How does IDEA promote safe, well-disciplined schools?"]

Appendix C-4

Explore Appendix A

1) Question #2 (page 12472) Involvement in general curriculum

Notes: ______________________________

____

2) Question #3 (page 12472) Regular educator

Notes: ______________________________

____

3) Question #4 (page 12472) Measurable annual goals

Notes: ______________________________

____

4) Question #9 (page 12473) Decisions at an IEP or IFSP meeting

Notes: ______________________________

____

5) Question #24 (page 12477) Development of the IEP or IFSP

Notes: ______________________________

____

Accompanies

INFORMATION BUILDER C.k

Appendix C-4, continued

6) Question #30 (page 12478) Attendance of related service providers at the IEP or IFSP meeting

Notes: ______________________________

7) Question #34 (page 12479) Related services

Notes: ______________________________

____

Explore Attachment 1

1) Least restrictive environment [page 12369]

Notes: ______________________________

____

2) Eligibility for extended school year services [page 12577]

Notes: ______________________________

____

Accompanies

INFORMATION BUILDER C.k

Appendix C-5

Training Agenda Components: Planning Sheet

Introduction:

Attention-grabber:

Connecting statement:

Body:

Conclusion:

Transition:

Appendix C-6

IDEA Scavenger Hunt

1) How are parents involved in developing their child's IEP?

2) What is the first step in obtaining special education and/or related services?

3) What is an Individualized Education Program (IEP)?

4) What is a due process hearing?

5) What is a free appropriate public education?

Accompanies

INFORMATION BUILDER C.o

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Appendix C-7

IDEA Scavenger Hunt

Question #1:

Answer:

Question #2:

Answer:

Question #3

Answer:

Question #4

Answer:

Question #5

Answer:

Accompanies
INFORMATION BUILDER C.0

Appendix C-8

Test Your Knowledge

1) The major purposes of IDEA are to [check all that apply]:

☐ a) Ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living.

☐ b) Ensure that the rights of children and youth with disabilities and their parents are protected.

☐ c) Assist employers in removing architectural barriers within their offices or places of establishment.

☐ d) Assist states, localities, educational service agencies, and federal agencies to provide for the education of all children with disabilities.

☐ e) Provide funding to textbook companies to publish universally designed materials.

☐ f) Assess and ensure the effectiveness of efforts to educate children with disabilities.

☐ g) Provide financial assistance for children with disabilities to attend college.

2) The disabilities listed by IDEA are [check all that apply]:

☐ a) Mental retardation.
☐ b) Hearing impairment, including deafness.
☐ c) Speech or language impairment.
☐ d) Visual impairment, including blindness.
☐ e) Emotional disturbance.
☐ f) Orthopedic impairment.
☐ g) Autism.
☐ h) Traumatic brain injury.

Accompanies
INFORMATION BUILDER C.r

Appendix C-8, continued

☐ i) Other health impairment.
☐ j) Specific learning disability.
☐ k) Deaf blindness.
☐ l) Multiple disabilities.
☐ m) Socialized delinquency.
☐ n) Economically disadvantaged.
☐ o) Limited English proficiency.

3) Special education is defined as instruction that is specially designed, at no cost to parents, to meet the child's unique needs.

☐ True
☐ False

4) Related services are defined as transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education.

☐ True
☐ False

5) A child may be selected to receive an evaluation to determine if he or she has a disability and needs special education and related services in the following ways [check all that apply]:

☐ a) Parents may request an evaluation of their child.
☐ b) Public agency may ask the parents to consent to an evaluation of the child.
☐ c) Child's classroom teacher may contact the district's school psychologist and schedule an evaluation.
☐ d) Guidance counselor may decide to conduct an evaluation.

6) Under IDEA, a child's individualized education program must include [check all that apply]:

☐ a) Name and Social Security Number of each related service provider who is assigned to the child.
☐ b) Statement of child's present levels of performance.

Accompanies
INFORMATION BUILDER C.r

Appendix C-8, continued

- ☐ c) Statement of measurable annual goals, including benchmarks or short-term objectives.
- ☐ d) Names of at least three of the child's friends.
- ☐ e) Statement of the special education and related services and/or supplementary aids and services to be provided to the child, or on behalf of the child.
- ☐ f) Program modifications or supports for school personnel that will be provided for the child to advance toward attaining annual goals.
- ☐ g) Statement of how the child will be disciplined in the classroom.
- ☐ h) Statement of how the child's progress toward annual goals will be measured.
- ☐ i) Statement of how the child's parents will be regularly informed of his or her progress.
- ☐ j) Beginning at age 14, or younger as appropriate, a statement of transition service needs.
- ☐ k) Beginning at age 16, or younger as appropriate, a statement of needed transition services.
- ☐ l) Beginning at age 16, or younger as appropriate, a copy of all completed admission packages sent to colleges or universities.
- ☐ m) Statement regarding transfer of rights at age of majority, as appropriate.
- ☐ n) Photocopy of the child's Social Security Number.

7) According to IDEA, the IEP team for each child with a disability includes the following individuals [check all that apply]:

- ☐ a) One or both of the child's parents.
- ☐ b) At least one regular education teacher of the child, if the child is, or may be, participating in the regular education environment.
- ☐ c) At least one special education teacher or provider of the child.
- ☐ d) School board member.
- ☐ e) Child, as appropriate.
- ☐ f) Representative of the public agency who is qualified to provide or supervise specially designed instruction to meet the unique needs of children with disabilities, knowledgeable about the general curriculum, and knowledgeable about the availability of resources.

Accompanies
INFORMATION BUILDER C.r

Appendix C-8, continued

☐ g) Individual who can interpret the instructional implications of evaluation results.

☐ h) Other individuals, at the discretion of the public agency or parents, who have special knowledge or expertise regarding the child.

8) IDEA establishes mediation as a voluntary process that may be used in resolving disputes between public agencies and the parents of a child with disabilities.

☐ True

☐ False

9) IDEA has special provisions for children with disabilities who [check all that apply]:

☐ a) Violate a school rule or code of conduct that is subject to disciplinary action.

☐ b) Carry a weapon to school or a school function under the jurisdiction of the local education agency or state education agency.

☐ c) Knowingly possess or use illegal drugs or sell or solicit the sale of a controlled substance while at school or at a school function under the jurisdiction of the local education agency or state education agency.

☐ d) Are substantially likely to injure themselves or others if left in their current educational placement.

10) Placement decisions must be made in conformity with IDEA's least restrictive environment provisions, which require [check all that apply]:

☐ a) To the maximum extent appropriate, children with disabilities are educated with children who are nondisabled.

☐ b) Special classes, separate schooling, or other removal of children from the regular environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

☐ c) Regular classroom teacher has final authority when determining the appropriateness of the child's placement in his or her classroom.

☐ d) Majority of the IEP team to agree to the placement.

Accompanies
INFORMATION BUILDER

Appendix C-9

Selected References According to Topic

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Pathway Guide*

*[*Please note that only the materials in this Pathway Guide which have been marked with an ▣ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education. Also, please note that because several of the documents referenced herein pre-date the passage of the No Child Left Behind Act of 2001 (NCLB) (passed January 8, 2002) and its implementing regulations, they do not address the requirements of NCLB. For information on NCLB, see* ***www.ed.gov****.]*

State and District-Wide Assessments

Inside this Pathway Guide*

The purpose of this Pathway Guide is to connect users to relevant materials that discuss the State and district-wide assessment provisions in IDEA that are related to supporting achievement for children with disabilities. To this end, the Pathway Guide is designed to expand your knowledge about the State and district-wide assessment provisions in IDEA and is organized into the following sections:

- **Section 1: Introduction**: Use this section to orient yourself to the topic of State and district-wide assessments.
- **Section 2: Connections to the Law**: Use this section to locate the 1999 regulations for IDEA—presented verbatim—related to State and district-wide assessment.
- **Section 3: Connections to Relevant Materials**: Use this section to locate information on how IDEA addresses student participation in State and district-wide assessments. Also included are suggestions—called Information Builders—for sharing the materials with colleagues and others in the context of informal interchanges, professional development sessions, and/or meetings.

- **Section 4: Connections to Web-Based Resources**: Use this section to find additional information on State and district-wide assessment.
- **Section 5: Connections to References**: Use this section to find citations for all resources used in this Pathway Guide.
- **Appendix**: Use this section to find resource tools, blackline masters for making transparencies and handouts, and Resource Guides.

No matter your role and responsibilities—service provider, administrator, parent, policymaker, and/or an individual who desires a more extensive understanding of assessment accommodations—you can use the information in this Pathway Guide to enhance your knowledge and/or the knowledge of others about the provisions in IDEA related to student participation in State and district-wide assessments.

Section 1: Introduction*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

Educators benefit from knowing how successful they are in preparing all students to meet high standards. Parents, students, policymakers, and other stakeholders benefit from knowing this as well.

State and district-wide assessments provide the foundation of many accountability systems. Including **all** children in State and district-wide assessment programs can help to ensure a high quality educational experience by creating high education expectations for all children and accountability for the educational results of all students.

IDEA helps to focus attention on how we look at education and its results for students with disabilities. IDEA includes provisions that require children with disabilities to participate in general State and district-wide assessment programs—through the general assessment, with or without accommodations, or through an alternate assessment developed by states or districts. With the additional requirement of public reporting of assessment results, IDEA helps to ensure that special education is integrated into the reforms of the larger educational system.

Since the provisions in IDEA went into effect, more students with disabilities now participate in State and district-wide assessment programs than in previous years (Gronna, Jenkins, & Chin-Chance, 1998; Thompson & Thurlow, 1999). This increase may be due, in part, to increased awareness, greater use of accommodations, and the introduction of alternate assessments (Shriner & Thurlow, 1994; Thompson & Thurlow, 2001).

Further, data show that many students with disabilities pass State assessments (Ysseldyke, Thurlow, Langenfeld, Nelson, Teelucksingh, & Seyforth, 1998).

Section 2: Connections to the Law*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

An understanding of State and district-wide assessment begins with thorough knowledge of IDEA provisions (See **Figure A-1** for more information). This section connects you to IDEA provisions on State and district-wide assessment as stated in the IDEA regulations. The provisions selected for this section relate to how participation in State and district-wide assessments may support achievement for children with disabilities.

The section begins with a listing of the regulatory provisions. The provisions are organized by questions—such as "What does IDEA say about…?"—followed by the actual IDEA section number and text. [*Note:* The organizing questions are not regulatory language.]

Only portions of the regulations are provided here for your convenience. The complete IDEA statute and regulations are available electroni-

Figure A-1

IDEA Provisions

It is important to note that provisions for including all children in assessments are based on a number of federal laws in addition to IDEA, including Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the American with Disabilities Act of 1990 (ADA), and No Child Left Behind Act of 2001 (NCLB).

cally. You are encouraged to use the ***Discover IDEA CD 2002*** or the ASPIIRE/ILIAD web site at **www.ideapractices.org** to navigate your search of relevant sections on State and district-wide assessments. You also are encouraged to take advantage of the enhancement capability of these two resources to guide your search. For example, for selected provisions, these resources allow you to click on additional information (e.g., analyses of comments, discussions, and changes).

State and District-wide Assessments: IDEA Regulations

The regulatory provisions on general State and district-wide assessments required by IDEA follow.

How does IDEA provide for the participation of children with disabilities in State and district-wide assessments of achievement?

34 C.F.R. §300.138—Participation in assessments.

> The State must have on file with the Secretary information to demonstrate that—
>
> (a) Children with disabilities are included in general State and district-wide assessment programs, with appropriate accommodations and modifications in administration, if necessary;
>
> (b) As appropriate, the State or LEA—
>
> (1) Develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State and district-wide assessment programs;
>
> (2) Develops alternate assessments in accordance with paragraph (b)(1) of this section; and
>
> (3) Beginning not later than, July 1, 2000, conducts the alternate assessments described in paragraph (b)(2) of this section.
>
> (Authority: 20 U.S.C. 1412(a)(17)(A))

What must be included in the IEP regarding a child's participation in State and district-wide assessments?

34 C.F.R. §300.347(a)(5)—Content of the IEP.

> (a) General. The IEP for each child with a disability must include—
>
> ...(5)
>
> (i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and
>
> (ii) If the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of—
>
> (A) Why that assessment is not appropriate for the child; and
>
> (B) How the child will be assessed.
>
> (Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6)(A)(ii))

What is the responsibility of the IEP team for considering a child's performance results on State and district-wide assessments?

34 C.F.R. §300.346—Development, review, and revision of IEP.

> (a) Development of IEP.
>
> (1) General. In developing each child's IEP, the IEP team, shall consider—
>
> (i) The strengths of the child and the concerns of the parents for enhancing the education of their child;
>
> (ii) The results of the initial or most recent evaluation of the child; and

(iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

(Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

How are students' scores to be reported?

34 C.F.R. §300.139—Reports relating to assessments.

(a) **General**. In implementing the requirements of §300.138, the SEA shall make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following information:

(1) The number of children with disabilities participating—

(i) In regular assessments; and

(ii) In alternate assessments.

(2) The performance results of the children described in paragraph (a)(1) of this section if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children—

(i) On regular assessments (beginning not later than July 1, 1998); and

(ii) On alternate assessments (not later than July 1, 2000).

(b) **Combined reports**. Reports to the public under paragraph (a) of this section must include—

(1) Aggregated data that include the performance of children with disabilities together with all other children; and

(2) Disaggregated data on the performance of children with disabilities.

(c) **Timeline for disaggregation of data**. Data relating to the performance of children described under paragraph (a)(2) of this section must be disaggregated—

(1) For assessments conducted after July 1, 1998; and

(2) For assessments conducted before July 1, 1998, if the State is required to disaggregate the data prior to July 1, 1998.

(Authority: 20 U.S.C. 612(a)(17)(B))

Section 3: Connections to Relevant Materials*

[**Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.*]

The purpose of this section is to connect users to relevant materials, some of which have been reviewed by OSEP for consistency with IDEA. The materials have been written for a number of different audiences—teachers, administrators, families, policymakers, and other stakeholders. Each day, stakeholders may need such information. Consider these possibilities:

- Because of your interest and knowledge of IDEA, a colleague has asked you a question about the fairness of making assessment accommodations on the State assessment for a student with disabilities.
- A fellow IEP team member is confused about team members' responsibilities as they relate to specifying accommodations for a child on State and district-wide assessments and is looking to you for guidance.
- For your professional organization, you have been asked to lead a conference session on the rationale for making assessment accommodations and what administrators, service providers, teachers, family members, and other stakeholders need to know about making accommodations.

- At an IEP team meeting, the question of whether your child should participate in an alternate assessment is raised and team members want to know your position.
- A school board member is interested in finding out how student results on State and district-wide assessments are being reported to parents—and whether current practices reflect federal law.
- As a related service provider, you are asked to collaborate with a regular education classroom teacher to implement assessment accommodations—both in the classroom and during State and district-wide assessments—that the IEP team determined were necessary for a particular child.

As someone with knowledge of IDEA, you may be comfortable answering these questions or knowing where to go for answers. In each of these cases, you need information about IDEA. In some of these cases, your response may be enhanced by a print or electronic document that you can share.

This section contains selected materials (e.g., print guides, frequently asked questions, CD, booklets) related to State and district-wide assessment, some of which have been reviewed by OSEP for consistency with IDEA. It is important to note while other quality resources exist, the ones chosen for inclusion in the ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package have particular applicability to administrators and service providers. This is not to say that family members, policymakers, and other stakeholders will not benefit from the material—indeed, many of the materials are relevant for all groups—but that the particular application of information will be most relevant given the roles and responsibilities of administrators and service providers.

For a listing of OSEP-reviewed materials, visit the National Information Center on Children and Youth with Disabilities (NICHCY) at **www.nichcy.org**.

Organization of the Annotations—Relevant Materials

Information in the annotations is organized as follows:

- Name of the resource.
- Author.
- Publication date.
- Publisher.
- Availability. In many cases, the documents may be downloaded from links on the Internet. In a few cases, documents must be purchased. Information is given to that effect. More detailed ordering information can be found on the ASPIIRE/ILIAD web site: **www.ideapractices.org**.
- Format. Information is given about the resource, such as whether it is print or media-based, number of pages (as appropriate), and availability in an alternate language (e.g., Spanish) or format (e.g., Braille).
- Brief description.
- Possible uses. A brief description of how to use and/or share the materials is offered. Occasionally, Information Builders—suggestions for activities that utilize the resource—will be offered. In some instances, tools (e.g., sample activi-

ties, biackline masters, handouts, checklists) that may be used in the context of sharing the resource are referenced. These tools are found in the appropriate appendix.

Annotated Materials

A Summary of Research on Test Changes: An Empirical Basis for Defining Accommodations

Author: Tindal, G., & Fuchs, L.

Publication Date: March 2000

Published By: Lexington, KY: Mid-South Regional Resource Center, Interdisciplinary Human Development Institute

Available From: Download from a link on the ASPIIRE/ILIAD web site at **www.ideapractices.org,** or from the Mid-South Regional Resource Center at **www.ihdi.uky.edu/msrrc**. Contact the Mid-South Regional Resource Center at: Interdisciplinary Human Development Institute, University of Kentucky, One Quality Street, Lexington, KY 40506, 859-257-4921, 859-257-2903 (TTY). The report also may be downloaded from a link at the NICHCY web site located at **www.nichcy.org**.

Format: 100+ page report.

Brief Description: The authors state that their purpose in preparing the technical document is to provide school district and state personnel with a comprehensive synthesis of the research on the effects of test accommodations on students with disabilities. To this end, the document summarizes the research on test changes to provide an empirical basis for defining accommodations. The researchers reviewed 114 studies, looking at the effectiveness of 23 different test accommodations. For analysis purposes, the research is sorted according to the type of accommodations: timing/scheduling adaptations, setting adaptations, response changes, and presentation adaptations. The document presents the research findings in two formats:

- Summarized in text, with attention to analysis of literature by subjects and test, and by research quality and summary.
- Summarized in tables that include information on authors, year of study, description of test change, subjects, test given as a dependent variable, and findings.

Possible Uses: This substantive synthesis report summarizes the research on assessment accommodations. It may prove useful when making a decision about an accommodation for an individual child, or when justifying why an accommodation was suggested. When working in a professional development context, consider the following Information Builders.

INFORMATION BUILDER A.a

Review the Research

Before discussing the researchers' findings, have participants study the research annotations found in the report. Organize participants into small groups. Make copies of the research annotations for each type of accommodation (e.g., timing/scheduling adaptations, setting adaptations, response changes, and presentation adaptations) and distribute a set to each group. Allow 15 minutes for participants to perform their own "mini-synthesis." The activity sheet in **Appendix A-1** may be used to help guide participants in their work.

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INFORMATION BUILDER A.b

Generate Questions

After reviewing the report findings, ask participants to form small groups. Their challenge: To generate questions they might ask during a meeting in which assessment accommodations are being determined for a child. Encourage them to role play a situation in which they discuss actual accommodations (e.g., extending the length of time for a subtest, allowing a child to have the test read to him or her).

INFORMATION BUILDER A.c

Identify Commonly Used Accommodations

As a warm-up activity, present the list of accommodations (found on page 15 of the report and in **Appendix A-2**) to participants. Ask them to indicate the ones with which they are most familiar or that they believe are used most often. Tally their results. Indicate to participants which ones have research and which ones do not. The answer key is in **Appendix A-3**. Those marked with a check mark (☑) have been researched. Discuss.

Clarification of the Role of the IEP Team in Selecting Individual Accommodations, Modifications in Administration, and Alternate Assessments for State and District-wide Assessments of Student Achievement ☒

Authors: Cohen, M. & Heumann, J.

Publication Date: January 12, 2001

Published By: Washington, DC: U.S. Department of Education, Office of Special Education Programs (OSEP)

Available From: Download from the ASPIIRE/ILIAD website at **www.ideapractices.org**, or from the OSEP website at **www.ed.gov/offices/OSERS/OSEP/**. Also available on the NICHCY web site at **www.nichcy.org**.

Format: Three-page memorandum.

Brief Description: This memorandum from OSEP—which was addressed to Chief State School Officers, State Directors of Special Education, State Assessment Directors, and State Title I Directors—discusses the role of the IEP team in selecting accommodations and modifications that an individual may need when participating in State or district-wide assessments. It also discusses the role of IEP team members around alternate assessments.

Possible Uses: This memorandum further clarifies important issues related to assessment accommodations and modifications. It may be read with another OSEP memorandum: Heumann, J., & Warlick, K. (2000). ***Questions and answers about provisions in the Individuals with Disabilities Education Act of 1997 related to students with disabilities and State and district-wide assessments***. Washington, DC: Office of Special Education and Rehabilitative Services (OSERS). ☒ [*Note:*

This document is described elsewhere in this section.] When working in a professional development context, consider the following Information Builders.

INFORMATION BUILDER A.d

Compare Memorandum to Current Practice

When used in the context of studying assessment accommodations and modifications, planning teams may wish to review the considerations addressed in the memorandum with their present practice and make recommendations as needed. For example, teams may want to consider:

- **Guidelines**. Discuss the format and content of possible guidelines.
- **Training and support**. Based on your experience, discuss the format and content of possible training events and support techniques.

INFORMATION BUILDER A.e

Compare Memoranda

Information in this memorandum was based on a previous document issued by OSEP: Heumann, J., & Warlick, K. (August 24, 2000). ***Questions and answers about provisions in the Individuals with Disabilities Education Act of 1997 related to students with disabilities and State and district-wide assessments***. [Note: this memorandum is described elsewhere in this section.] Compare information in the two memoranda. Discuss the following questions:

- What new information is found in the later memorandum?
- After reading the memoranda, did additional questions come to mind that were not answered in either document?

Making Assessment Accommodations: A Toolkit for Educators ☒

Author: The Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE), & the IDEA Local Implementation by Local Administrators Partnership (ILIAD), Council for Exceptional Children

Publication Date: 2000

Published By: Arlington, VA: Council for Exceptional Children

Available From: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**

Format: Three-ring binder containing a videotape (VHS format) close captioned, four sections, and blackline masters for forms and transparencies. [*Note:* The videotape —VHS format, close captioned in English and in Spanish—is available separately. It is packaged with a brochure and parent pamphlet—in English and in Spanish.]

Brief Description: This toolkit provides an overview of making assessment accommodations for general education teachers, special education teachers, related service providers, administrators, and parents. This toolkit—which includes a videotape overview of the topic—contains the following sections:

- **Introduction**. In addition to the overview, the section contains resources and a glossary.
- **A guide for practitioners**. The section contains a discussion of guiding principles for use when making assessment accommodations. It also presents annotations of the most commonly used

assessment accommodations.

- **A guide for administrators**. The section contains a discussion and checklist of implementation issues. Also included are blackline masters for a parent pamphlet explaining assessment accommodations (in English and Spanish).
- **Staff development materials**. The section contains suggestions for activities and blackline masters for transparencies, checklists, and participant handouts.

Possible Uses: The toolkit is designed for use in a variety of ways:

- **Self study**. Individuals may use the materials to learn and enhance their knowledge base.
- **Team study**. Individuals in both informal and formal team meetings—including IEP teams, subject area department teams, school improvement teams, teacher collegial work groups, and professional development study groups—may use the materials to enhance and extend their knowledge about assessment accommodations.
- **Staff meetings**. Administrators, special educators, or related service providers may share the materials with colleagues, parents, and other stakeholders.
- **Inservice and preservice professional development sessions**. Staff developers, workshop leaders, and teacher educators may use the materials to develop presentations and training sessions.

The following Information Builders are suggested when working with the entire toolkit and/or the separately packaged videotape and brochure.

INFORMATION BUILDER A.f

Check Out the Resources

A variety of resources are listed at the end of each section in the toolkit, as well as in the center of the brochure contained in the separately packaged video case. Independently or in small groups, investigate the resources. If working in a group, divide the task and report findings to the group.

INFORMATION BUILDER A.g

Use a Semantic Web Technique

As a warm-up activity, activate participants' prior knowledge about assessment accommodations. Using a cognitive organizer technique called a semantic web, ask participants to share their knowledge about assessment accommodations and record their ideas on a blank web graphic (see **Appendix A-4**). Organize their comments according to the four types of accommodations—timing/scheduling adaptations, setting adaptations, response changes, and presentation adaptations—and connect their ideas to the appropriate category by drawing a line to it.

INFORMATION BUILDER A.h

Host a Video Party

The video, which is close-captioned in English and in Spanish, provides an excellent overview of the rationale and practice of making assessment accommodations for students with disabilities. Consider hosting a video event (e.g., brown bag lunch, before or after school meeting, parent-school evening, college class) with colleagues, parents, or other stakeholders. Make sure you publicize the event.

The video can be shown and reactions solicited from participants. Or, you may wish to structure participants' viewing in one of the following ways:

- Ask how many participants are familiar with and/or are using assessment accommodations. As participants watch the video, ask them to keep track of accommodations with which they are familiar and unfamiliar. Discuss findings.
- Ask participants to identify a belief they hold about assessment accommodations. After watching the video, ask them if their opinion changed or was challenged in any way. Discuss reactions.
- Pass out index cards to participants and have them write any concerns they have about assessment accommodations. After the video, ask them whether their concerns were addressed. Discuss reactions.

Wrap up the event by distributing copies of the brochure. Distribute copies of the parent pamphlets as well. Blackline masters for these are found in Section 3 of the toolkit and in the separately packaged videotape.

Students with Disabilities in Standards-based Reform ☒

Author: Martha Thurlow

Publication Date: June 2001

Published By: Arlington, VA: IDEA Partnership Projects

Available From: ILIAD and ASPIIRE Partnership Projects, Council For Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-4332 (toll free), 866-915-5000 (TTY toll free), **www.ideapractices.org**

Format: Six-page framing paper developed for A National Summit on the Shared Implementation of the IDEA, held in Washington, DC.

Brief Description: The paper provides an overview of including students in standards-based reform, with an emphasis on the role of State and district-wide assessments in ensuring accountability.

Possible Uses: The framing paper was designed to summarize the topic for summit participants. The following Information Builders are designed to help orient individuals to the information contained in the paper.

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INFORMATION BUILDER A.i

Multiple Perspectives

Ask participants to think of challenging issues related to the participation of students with disabilities in State and district-wide assessments. This can either be done independently or in small groups. Compare participants' answers with those listed in the framing paper:

- Assessment programs vary across districts and states making comparison problematic.
- Current assessment systems do not accommodate the needs of students with disabilities and therefore must be redesigned.
- Many accommodations that students need to participate are considered invalid, and if they are used, the results are considered by the states or test publishers as inappropriate for reporting purposes.
- Students with disabilities may not have full access to participate in the general education curriculum, which undermines their participation on State and district-wide assessments.
- Assessments are not fully accessible.
- In some districts, high stakes assessments (e.g., promotion and graduation exams) negatively affect instruction and narrow curriculum options for students.

Appendix A-5 contains a blackline master.

INFORMATION BUILDER A.j

Research Says....

The framing paper summarizes key research concerning the participation of students with disabilities in State and district-wide assessments. Before reading the document, find out the accuracy of your knowledge. Answer "True" or "False" to the following items:

1) The number of students with disabilities participating in general State and district-wide assessments has increased significantly since the early 1990s.
2) Research has found that many students with disabilities who had previously been exempted from participating in State and district-wide assessments were, in fact, able to take them.
3) More students use accommodations during assessments than in previous years.
4) In New York, more students passed the State assessment in 2000 than had taken it in previous years.
5) Students with disabilities as a group generally score below students without disabilities.
6) Research suggests that teacher expectations for student learning may increase for students with disabilities who participate in alternate assessments.

Answer Key: (1) T, (2) T, (3) T, (4) T, (5) T, (6) T

Appendix A-6 contains a blackline master you can use for making a transparency or handout. This activity can be used as a warm-up, either independently or with a group. When using in a workshop setting, consider asking participants to comment on the "myths" dispelled by these research findings.

Questions and Answers About Provisions in the Individuals with Disabilities Education Act of 1997 Related to Students with Disabilities and State and District-wide Assessments ☒

Author: Heumann, J., & Warlick, K.

Publication Date: August 24, 2000

Published By: Washington, DC: Office of Special Education and Rehabilitative Services (OSERS)

Available From: The ASPIIRE/ILIAD web site contains download links at **www.ideapractices.org**. Or, download from a link on the NICHCY web site at **www.nichcy.org**. The document also is packaged within ***Making Assessment Accommodations: A Toolkit for Educators*** (described in this section).

Format: 14-page question-and-answer (Q&A) memorandum.

Brief Description: This memo from OSEP to the State Directors of Special Education responds to frequently asked questions by educators and other stakeholders regarding the provisions in IDEA for including children with disabilities in State and district-wide assessments. Questions are sorted by the following topics:

- Accountability.
- IEP process.
- Parental permission.
- Accommodations and modifications.
- Alternate assessments.
- Out-of-level testing.
- Reporting.
- Monitoring.

Possible Uses: As a reference guide, this memorandum provides guidance on frequently asked questions. When using the full memorandum in the context of professional development (e.g., study teams, workshops, courses, staff meetings), make sure that participants have had a thorough introduction to the topic—otherwise, there may not be sufficient background understanding to appreciate the questions. Consider the following Information Builders.

INFORMATION BUILDER A.k

Jigsaw Approach

To orient participants to the information in the memorandum, consider using a jigsaw approach. Direct participants to form small groups. Assign each group two of the Q&A topics (e.g., accountability, IEP processes, parental permission, accommodations and modifications, alternate assessments, out-of-level testing, reporting, and monitoring). Ask members in each group to select one of the questions and review the answer. Allow five minutes. Next, ask each group member to share what they have learned about the question with fellow members. To complete the activity, ask each group to summarize their findings and report to the larger group.

INFORMATION BUILDER A.l

Who Needs To Know?

Ask participants to review the questions addressed in the memorandum. In groups, invite participants to discuss who might need to know the information and why (e.g., in what situation the question might arise). To extend the activity, ask participants to make a plan of how they will share the information with the individuals who have been identified.

INFORMATION BUILDER A.m

Other Questions?

Wrap up a session by asking participants to generate questions that were not answered—either in the session or the memorandum. Discuss the questions and make a list of those that are not answered. Make a plan for obtaining answers (e.g., review other documents, submit a question to your state special education office).

INFORMATION BUILDER A.n

Check with the State

Investigate how your state has established performance goals and indicators for children with disabilities and how the state uses information about the performance of children with disabilities in State and district-wide assessment programs. Consider contacting your state's special education office for information.

INFORMATION BUILDER A.o

Become Familiar with Related Laws

In addition to IDEA, the memorandum refers to other federal laws that have requirements related to assessment programs: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; and the No Child Left Behind Act of 2001 (NCLB). Information on these laws can be found on the U.S. Department of Education web site at **www.ed.gov/offices/OSERS/OSEP/**.

INFORMATION BUILDER A.p

Check Out the Family-friendly Version

A family-friendly version of the memorandum is available. See: Heumann, J., & Warlick, K. (January 17, 2001). ***Guidance on including students with disabilities in assessment programs***. (OSEP 01-06) Washington, DC: U.S. Department of Education, Office of Special Education Programs. Available from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/** and the NICHCY web site at **www.nichcy.org**. This four-page document presents a condensed version (i.e., shorter in length and less technical language) of the information presented in the original memorandum. The intended audience is primarily parents and family members of students with disabilities, but the document also may be useful to teachers and members of the public who are interested in this topic.

A web-enhanced version is available on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Questions are organized according to topic:

- Introduction.
- Parental permission.
- IEP process.
- Alternate assessments.
- Reporting and accountability.

If using this version of the memorandum in a workshop setting, consider the following activity. Have participants form small groups and distribute a question from the document. Invite participants to generate an answer. Distribute the answers. Have participants compare their answers to the correct ones.

Other Materials

There are other resources related to State and district-wide assessment that may provide an additional source of information. In some cases, selected OSEP-reviewed materials described in the Discover IDEA Core Module of this package address State and district-wide assessment and are thus considered supplemental sources of information. [*Note:* Information on how to obtain many of these resources is found on the ASPIIRE/ILIAD web site located at **www.ideapractices.org**.]

Every Single Student PEER Project

Citation: Federation for Children with Special Needs (FCSN) (2000). ***Every single student PEER project***. Boston, MA: Author.

Available From: The entire manual may be downloaded from the PEER Project link at the FCSN web site at **www.fcsn.org/peer**.

Brief Description: This manual focuses on standards-based education and children with disabilities prior to the passage of NCLB. Two of the sections feature information on assessment and making assessment accommodations.

Discover IDEA CD 2002 ☒

Citation: IDEA Partnership Projects, Education Development Center, Western Regional Resource Center at the University of Oregon, & National Information Center for Children and Youth with Disabilities (2002). ***Discover IDEA CD 2002***. Arlington, VA: Council for Exceptional Children.

Available From: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Brief Description: This CD provides information on IDEA to educators, related services providers, parents, advocates, administrators, and policymakers who strive for quality education for all children. A variety of opportunities exist for using this CD in the context of building knowledge about State and district-wide assessments. For example:

- Go to "General State and District-wide Assessments." This two-page brief summarizes IDEA Part B Final Regulations related to general State and district-wide assessments. [*Note:* This summary also is available on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.]
- Explore the search-enhanced capability of the CD when reviewing the IDEA Regulations. To do this, click onto a section of the regulations that pertain, in this case, to State and district-wide assessments (a magnifying glass icon will guide you). Each regulation is presented, followed by a discussion entitled, Analysis of Comments, Discussions, and Changes. This discussion provides a summary of relevant information that helped to inform the writing of the particular regulation.

Implementing IDEA: A Guide for Principals ☒

Citation: IDEA Local Implementation by Local Administrators Partnership (ILIAD), & the National Association of Elementary School Principals (NAESP) (2001). ***Implementing IDEA: A guide for principals***. Arlington, VA: Council for Exceptional Children and Alexandria, VA: National Association of Elementary School Principals.

Available From: The entire manual may be downloaded from the ASPIIRE/ILIAD web site at **www.ideapractices.org**. For a print copy order from NAESP, 1615 Duke Street, Alexandria, VA 22314, 800-38-NAESP (toll free), **www.naesp.org**. Or contact ILIAD at Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-4332 (toll free), 866-915-5000 (TTY toll free), **www.ideapractices.org**.

Brief Description: This book provides guidance to principals in elementary and middle schools on ensuring quality special education services and early intervention. One chapter focuses on State and district-wide assessment issues. A checklist is included that administrators may use to determine how well they meet quality standards and guidelines related to assessment that have been recommended by other principals.

Testing Students with Disabilities: Practical Strategies for Complying with District and State Requirements

Citation: Thurlow, M., Elliott, J., & Ysseldyke, J. (1998). ***Testing students with disabilities: practical strategies for complying with district and state requirements***. Thousand Oaks, CA: Corwin Press.

Available From: Information on obtaining this resource is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Brief Description: This comprehensive book covers the following topics: rationale for including students with disabilities in large scale tests; assessment accommodations; alternate assessments; reporting; linkages to the IEP; logistical considerations; administrative issues; parent involvement; and professional development. Also included are forms and checklists.

Twentieth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act ☒

Citation: U.S. Department of Education, Office of Special Education Programs (1998). ***Twentieth annual report to Congress on the implementation of the Individuals with Disabilities Education Act***. Washington, DC: Author.

Available From: On the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/** or by contacting Ed Pubs at 877-433-7827, 800-437-0833 (TTY toll free). Also found on the ***Discover IDEA CD 2002***, available from the Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Brief Description: The chapter "Standards-based Reform a[illegible] describes how [illegible] reform, with pa[illegible] participation of [illegible] State and distri[illegible]

The Use of Tests when Making High-Stakes Decisions for Students: A Resource Guide for Educators and Policymakers ☒

Citation: U.S. Department of Education, Office for Civil Rights (2000). ***The use of tests when making high-stakes decisions for students: A resource guide for educators and policymakers***. Washington, DC: Author.

Available From: On the OCR web site at **www.ed.gov/offices/OCR/testing/index.html**. Available in alternative formats by contacting OCR at 800-421-3481. Also may be linked from the ASPIIRE/ILIAD web site at www.ideapractices.org

Brief Description: The document provides a discussion of important considerations related to the consequences of high stakes assessments (e.g., promotion, diplomas, access to programs) as they pertain to students with disabilities.

State and District-wide Assessment: Resource Guides

The topic of student participation in State and district-wide assessments of achievement is a relatively new area; however, in the context of sharing information about State and district-wide assessment, related topics may arise. Individuals may have specific information needs related to provisions in IDEA.

The Resource Guides are organized according to the following framework:

- **Brief Description of the Resource Guide Topic**. Use this section to orient yourself to how the resource guide topic is related to supporting achievement for students with disabilities and IDEA.
- **What the Law Says**. Use this section to locate IDEA regulations related to the resource guide topic. [*Note:* Only portions of the regulations are provided here for your convenience.]
- **What Research Says**. Use this section to obtain a summary of the research and, if appropriate, information generated by experts who are working in the area on the resource guide topic. The section presents a summary of research findings, followed by a list of references. These references are presented as complete citations in the last section, References. [*Note:* For information on the approach used to scan the research base, see the discussion in the Core Module.]
- **Relevant Materials**. Use this section to locate materials that address the resource guide topic. Some of the materials have been reviewed by OSEP for consistency with IDEA.

- **References and Resources.** Use these sections to find citations for all literature used in the Resource Guide. The sections also contain selected web sites and organizations concerned primarily with the subtopic. [*Note:* In some cases, no resources are cited. This means that no site was identified as providing substantial information particular to the subtopic in the context of IDEA.]

Appendices are included for two Resource Guides that direct users to more targeted information on selected topics:

- Alternate Assessments. [See **Appendix A-7.**]
- Assessment Accommodations for Students Who are English Language Learners. [See **Appendix A-8.**]

It is important to note that the topics chosen [illegible] web site located at www.ideapractices.org

Section 4: Connections to Web-Based Resources*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

Many web sites exist that connect users to new materials, resources, and information on State and district-wide assessment and IDEA. While many web sites that address the needs of children with disabilities and/or that address issues related to large scale assessments exist, only those that provide relevant information related to IDEA and [illegible] sites related to the topic.

Often, documents referenced in *Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide* can be downloaded from a particular site. Become familiar with—maybe even bookmark—the sites that are referenced most frequently in this package. They include:

- **www.ideapractices.org**—home of the Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE) and the IDEA Local

Implementation by Local Administrators Partnership (ILIAD) projects.

- **www.fape.org**—home of the Families and Advocates Partnership for Education (FAPE) project.
- **www.ideapolicy.org**—home of the Policymaker Partnership project.
- **www.ed.gov/offices/OSERS/OSEP/**—home of the U.S. Department of Education, Office of Special Education Programs (OSEP).
- **www.nichcy.org**—home of the National Information Center for Children and Youth with Disabilities (NICHCY).

This section presents selected web sites that address State and district-wide assessments as they relate to IDEA in more elaborate ways, such as:

- Offering an on-line document on the topic
- Providing information on IDEA provisions
- Linking to resources on IDEA

Following are descriptions of web sites, along with suggestions for visiting them for the purpose of finding out more information about State and district-wide assessments and IDEA. [Note: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

Council of Chief State School Officers (CCSSO)

www.ccsso.org

Housed At: One Massachusetts Avenue, NW, Suite 700, Washington, DC 20001

Brief Description: The CCSSO is a national organization of state education leaders who come together to promote high performance standards for all students. CCSSO publishes reports and policy statements. Many states post current assessment information on their education agency's web site. Links to these web sites are available through CCSSO's web site.

Interdisciplinary Human Development Institute (IHDI)

www.ihdi.uky.edu/index.htm

Housed At: One Quality Street, University of Kentucky, Lexington, KY 40506, 859-257-1714, 859-257-2903 (TTY)

Brief Description: The IHDI promotes independence, productivity, and integration of all people through numerous research, training, and outreach activities. The products section includes the following items specific to assessment:

- Research on the Impact of Alternate Assessments: Practical Implications for Teachers.
- Teacher Created Processes for Embedding Alternate Assessment Requirements into Ongoing Classroom Instruction.
- How to Conduct Alternate Assessments: Practices in Nine States.

LD OnLine

www.ldonline.org

Housed At: WETA, 2775 South Quincy Street, Arlington, VA 22206, 703-998-2600

Brief Description: LD OnLine is a service of the Learning Project at WETA (a public television station and educational foundation) in Washington, DC, and provides an extensive guide to learning disabilities for parents, teachers, and children. The LD In-Depth page contains links to articles and resources on assessments aimed at parents and teachers.

National Center on Educational Outcomes (NCEO)

www.coled.umn.edu/NCEO

Housed At: University of Minnesota, 350 Elliott Hall, 75 East River Road, Minneapolis, MN 55455, 612-626-1530

Brief Description: The National Center on Educational Outcomes (NCEO) provides national leadership in the identification of outcomes, indicators, and assessments to monitor educational results for all students, including students with disabilities. This site contains publications, networking resources, and technical assistance related to all aspects of helping students with disabilities participate in State and district-wide assessments with accommodations and modifications, as appropriate, in accountability systems, and in educational reform efforts.

Western Regional Resource Center (WRRC)

http://interact.uoregon.edu/wrrc/wrrc.html

Housed At: 1268 University of Oregon, Eugene, OR 97403, 541-346-5641, 541-346-0367 (TTY)

Brief Description: The WRRC web site offers online links to documents related to assessment, standards, and accountability. Many of the links are to state web sites where documents specific to assessment activities in that jurisdiction can be found.

Section 5: Connections to References*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

Albus, D., Bielinski, J., Thurlow, M., & Liu, K. (2001). ***The effect of a simplified English language dictionary on a reading test***. [LEP Projects Report 1.] Minneapolis, MN: National Center on Educational Outcomes. [Report may be downloaded from **http://www.coled.umn.edu/NCEO/OnLinePubs/LEP1.html**.]

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Appendix A-1

Research on Assessment Accommodations

Timing/Scheduling Adaptations

Definition:

What we know from research:

Types of student needs addressed:

Accompanies
INFORMATION BUILDER A.a

127

Appendix A-1, continued

Setting Adaptations

Definition:

What we know from research:

Types of student needs addressed:

Accompanies

INFORMATION BUILDER A.a

Appendix A-1, continued

Response Changes

Definition:

What we know from research:

Types of student needs addressed:

Accompanies
INFORMATION BUILDER A.a

Appendix A-1, continued

Presentation Adaptations

Definition:

What we know from research:

Types of student needs addressed:

Accompanies

INFORMATION BUILDER A.a

Appendix A-2

Timing/Scheduling Adaptations

- Use flexible schedule.
- Allow frequent breaks during testing.
- Extend the time allotted to complete the test.
- Administer the test in several sessions.
- Provide special lighting.
- Change time of day test is taken.
- Administer test over several days.
- Provide special acoustics.

Setting Adaptations

- Administer the test individually in a separate location.
- Administer the test to a small group in a separate location.
- Provide adaptive or special furniture.
- Administer test in locations with minimal distractions.

Presentation Adaptations

- Braille or large type edition.
- Prompts available on tape.
- Increase spacing between items.
- Reduce number of items on a page.
- Increase size of answer bubbles.
- Multi-choice, answers follow questions down bubbles to right.
- Omit questions that cannot be revised.
- Teacher helps student understand prompt.
- Student can ask for clarification.
- Computer reads paper to student.
- Highlight key words/phrases in directions.

Accompanies
INFORMATION BUILDER A.c

Appendix A-2, continued

Test Directions Support

- Dictation to a proctor or scribe.
- Sign directions.
- Communication device used to present directions.
- Read directions to student.
- Reread directions for each page of questions.
- Simplify language in directions or problems.
- Highlight verbs in instructions by underlining.
- Clarify directions.
- Provide cues on answer form.

Test Items Support

- Use of visual magnification devices.
- Use of templates to reduce visible print.
- Use of auditory amplification device (e.g., noise buffers, hearing aid).
- Audiotaped administration of sections.
- Secure papers to work area with tape or magnets.
- Questions read aloud to student.
- Masks or markers allowed to maintain place.
- Questions signed to student.
- Dark/heavy or raised lines on paper.
- Use of pencil grips.

Response: Test Format

- Increase spacing.
- Wider lines and/or wider margins.
- Use of graph paper.
- Paper in alternative format (e.g., word processor, Braille).
- Allow student to mark responses in booklet instead of answer sheet.

Accompanies

INFORMATION BUILDER A.c

Appendix A-2, continued

Response: Supports

- Allow student to use word processor.
- Student tapes response for later verbatim transcription.
- Use of calculator or arithmetic tables.
- Use of spelling dictionary or spell check.
- Alternative response, such as oral, sign, typed, or pointing.
- Copy assistance during drafts.
- Use of tape recorder.
- Provide additional examples.

Appendix A-3

Timing/Scheduling

- Use flexible schedule.
- Allow frequent breaks during testing.
- Extend the time allotted to complete the test. ☑
- Administer the test in several sessions.
- Provide special lighting.
- Change time of day test is taken.
- Administer test over several days.
- Provide special acoustics.

Accompanies

INFORMATION BUILDER A.c

Appendix A-3, continued

Setting

- Administer the test individually in a separate location. ☑
- Administer the test to a small group in a separate location. ☑
- Provide adaptive or special furniture.
- Administer test in locations with minimal distractions.

Presentation

- Braille or large type edition. ☑
- Prompts available on tape.
- Increase spacing between items.
- Reduce number of items on a page.
- Increase size of answer bubbles. ☑
- Multi-choice, answers follow questions down bubbles to right.
- Omit questions that cannot be revised.
- Teacher helps student understand prompt. ☑
- Student can ask for clarification.
- Computer reads paper to student. ☑
- Highlight key words/phrases in directions.

Appendix A-3, continued

Test Directions Support

- Dictation to a proctor or scribe. ☑
- Sign directions.
- Communication device used to present directions.
- Read directions to student. ☑
- Reread directions for each page of questions.
- Simplify language in directions or problems. ☑
- Highlight verbs in instructions by underlining.
- Clarify directions.
- Provide cues on answer form. ☑

Accompanies

INFORMATION BUILDER A.c

Appendix A-3, continued

Test Items Support

- Use of visual magnification devices.
- Use of templates to reduce visible print.
- Use of auditory amplification device (e.g., noise buffers, hearing aid).
- Audiotaped administration of sections. ☑
- Secure papers to work area with tape or magnets.
- Questions read aloud to student. ☑
- Masks or markers allowed to maintain place.
- Questions signed to student.
- Dark/heavy or raised lines on paper.
- Use of assistive devices (e.g., speech synthesis). ☑
- Use of pencil grips.

Accompanies
INFORMATION BUILDER A.c

Appendix A-3, continued

Response: Test Format

- Increase spacing.
- Wider lines and/or wider margins.
- Use of graph paper.
- Paper in alternative format (e.g., word processor, Braille).
- Allow student to mark responses in booklet instead of answer sheet. ☑

Accompanies

INFORMATION BUILDER A.c

Appendix A-3, continued

Response: Supports

- Allow student to use word processor. ☑
- Student tapes response for later verbatim transcription.
- Use of calculator or arithmetic tables. ☑
- Use of spelling dictionary or spell check. ☑
- Alternative response, such as oral, sign, typed, or pointing. ☑
- Copy assistance during drafts.
- Use of tape recorder. ☑
- Provide additional examples.

Accompanies
INFORMATION BUILDER A.c

Appendix A-4

"Web"

Assessment Accommodations

Accompanies

INFORMATION BUILDER A.g

Appendix A-5

Challenging Issues

- Assessment programs vary across districts and states making comparison problematic.
- Current assessment systems do not accommodate the needs of students with disabilities and therefore must be redesigned.
- Many accommodations that students need to participate are considered invalid, and if they are used, the results are considered by the states or test publishers as inappropriate for reporting purposes.
- Students with disabilities may not have full access to participation in the general education curriculum, which undermines their participation on State and district-wide assessments.
- Assessments are not fully accessible.
- In some districts, high stakes assessments (e.g., promotion and graduation exams) negatively affect instruction and narrow curriculum options for students.

Accompanies INFORMATION BUILDER A.i

Appendix A-6

Research Says....

The framing paper summarizes key research concerning the participation of students with disabilities in State and district-wide assessments. Test your knowledge. Answer "True" or "False" to the following items:

___1) The number of students with disabilities participating in general State and district-wide assessments has increased significantly since the early 1990s.

___2) Research has found that many students with disabilities who had previously been exempted from participating in State and district-wide assessments were, in fact, able to take them.

___3) More students use accommodations during assessments than in previous years.

___4) In New York, more students passed the State assessment in 2000 than had taken it in previous years.

___5) Students with disabilities as a group generally score below students without disabilities.

___6) Research suggests that teacher expectations for student learning may increase for students with disabilities who participate in alternate assessments.

Accompanies
INFORMATION BUILDER A.j

Appendix* A-7

RESOURCE GUIDE

Alternate Assessments*

Alternate assessments provide a mechanism for students who cannot participate in standard State and district-wide assessments, even with accommodations, to participate in the accountability system. As states undertake development of alternate assessments, they will grapple with issues such as those related to setting standards, determining data collection methods, and identifying reporting methods (Kleinert, Haig, Kearns, & Kennedy, 2000; Thompson & Thurlow, 1999). They also will consider criteria for determining who participates in the alternate assessment (Warlick & Olsen, 1998).

What the Law Says

IDEA provides that, as appropriate, the State or local education agency will develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State and district-wide assessment programs. The following IDEA regulations pertain to alternate assessment. [*Note*: Only portions of the regulations are provided here for your convenience.]

34 C.F.R. §300.138 — Participation in assessments.

> The State must have on file with the Secretary information to demonstrate that—
>
> (a) Children with disabilities are included in general State and district-wide assessment programs, with appropriate accommodations and modifications in administration, if necessary;
>
> (b) As appropriate, the State or LEA—
>
> (1) Develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State and district-wide assessment programs;
>
> (2) Develops alternate assessments in accordance with paragraph (b)(1) of this section; and
>
> (3) Beginning not later than July 1, 2000, conducts the alternate assessments described in paragraph (b)(2) of this section.
>
> (Authority: 20 U.S.C. 1412(a)(17)(A))

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*[*Please note that only the materials in this appendix which have been marked with an ⊠ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

Appendix A-7

RESOURCE GUIDE (continued)

34 C.F.R. §300.139 — Reports relating to assessments.

(a) **General.** In implementing the requirements of §300.138, the SEA shall make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following information:

(1) The number of children with disabilities participating—

(i) In regular assessments; and

(ii) In alternate assessments.

(2) The performance results of the children described in paragraph (a)(1) of this section if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children—

(i) On regular assessments (beginning not later than July 1, 1998); and

(ii) On alternate assessments (not later than July 1, 2000).

(b) **Combined reports.** Reports to the public under paragraph (a) of this section must include—

(1) Aggregated data that include the performance of children with disabilities together with all other children; and

(2) Disaggregated data on the performance of children with disabilities.

(c) **Timeline for disaggregation of data.** Data relating to the performance of children described under paragraph (a)(2) of this section must be disaggregated—

(1) For assessments conducted after July 1, 1998; and

(2) For assessments conducted before July 1, 1998, if the State is required to disaggregate the data prior to July 1, 1998.

(Authority: 20 U.S.C. 612(a)(17)(B))

34 C.F.R. §300.346 — Development, review, and revision of IEP.

(a) Development of IEP.

(1) General. In developing each child's IEP, the IEP team, shall consider—-

(i) The strengths of the child and the concerns of the parents for enhancing the education of their child;

(ii) The results of the initial or most recent evaluation of the child; and

(iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

(Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

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RESOURCE GUIDE (continued)

34 C.F.R. §300.347(a)(5)—Content of the IEP.

(a) General. The IEP for each child with a disability must include—

...(5)

(i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and

(ii) If the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of—

(A) Why that assessment is not appropriate for the child; and

(B) How the child will be assessed.

(Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6)(A)(ii))

What Research Says

Prior to the 1997 Amendments to IDEA, few states were implementing alternate assessment programs—with Kentucky and Maryland the most notable exceptions. Current studies indicate that states are pilot testing alternate assessments (Thurlow, 2001). Initial data indicate that important changes occur in instruction for many students who participate in alternate assessments—changes that typically reflect increased expectations for student learning, and improved performance (Kleinert & Kearns, 2001; Thompson, Quenemoen, Thurlow, & Ysseldyke, 2001).

Expected rates of students unable to participate in regular assessments vary considerably across states. State criteria for determining if a particular student will take an alternate assessment vary as well. It is estimated by the National Center on Educational Outcomes that fewer than 15 percent of all students with disabilities will require alternate assessments. Experts who are doing work in this area suggest that overidentification of students with disabilities for alternative assessment may have negative effects, including perpetuating a second system of education, adding significant costs, and resulting in less accountability by the school system for their educational progress.

- Hardman, McDonnell, & Welch, 1997.
- Thompson & Thurlow, 1999.
- Warlick & Olsen, 1998.

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RESOURCE GUIDE (continued)

Experts who are doing work in this area suggest that prior to developing alternate assessments, states should determine the purpose of the alternate assessment, the extent to which the alternate assessment should be aligned with the general curriculum, how results are to be used, and the intended long-term effects. Additionally, at the onset states should develop a solid philosophical base for alternate assessments.

- Olsen, 1998.
- Ysseldyke & Olsen, 1999.
- Ysseldyke, Olsen, & Thurlow, 1997.

In general, the most common method states have used is collecting work over time or portfolios. States that use portfolios typically require specific content in those portfolios. While most alternate assessment systems are loosely based on the general assessment system in terms of ages tested and rubrics used, few states have worked out the details of reporting and using alternate assessment data in state accountability systems. However, twenty-five states include alternate assessment participants in all components of their accountability systems.

- Thompson & Thurlow, 2001.
- Warlick & Olsen, 1999.

Research suggests a positive relationship between overall program quality and the resulting alternate assessment scores. Teachers have reported benefits to using alternate assessments, including perceived positive changes in children's instructional programming and enhanced outcomes. Instructional variables positively associated with students' scores include the extent to which assessment items are embedded into instruction and the teacher's perceived benefit of the assessment.

- Kamper, Horvath, Kleinert, & Kearns, 2001.
- Kleinert, Kennedy, & Kearns, 1999.
- Turner, Baldwin, Kleinert, & Kearns, 2000.

Teachers have identified implementation issues related to alternate assessments. Examples include: too much time required to complete an alternate assessment, problems with scoring reliability, and use of the assessment for teacher evaluation purposes.

- Kleinert, Kennedy, & Kearns, 1999.

Materials that Address Alternate Assessments

What Gets Tested, Gets Taught—Who Gets Tested, Gets Taught: Curriculum Framework Development Process

Author: Burgess, P., & Kennedy, S.

Publication Date: 1998

Published By: Lexington, KY: Mid-South Regional Resource Center

Available From: Download from the Mid-South Regional Resource Center (MSRRC) web site at **www.ihdi.uky.edu/msrrc/**. Or contact MSRRC at the Interdisciplinary Human Development Institute, University of Kentucky, One Quality Street, Lexington, KY 40506. Also may be downloaded from the NICHCY site at **www.nichcy.org**.

Format: Brief report.

Brief Description: This report describes various approaches taken by selected states—Colorado, Kentucky, Missouri, New Jersey, New York, and West Virginia—to establish goals that are consistent with other goals and standards established by the state for students participating in alternate assessments.

Alternate Assessment: Questions and Answers ☒

Author: Massanari, C.

Publication Date: (no date)

Published By: Logan, UT: Mountain Plains Regional Resource Center, Utah State University

Available From: Information on obtaining this fact sheet is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Format: Brief fact sheet.

Brief Description: This fact sheet provides answers to frequently asked questions related to IDEA requirements for alternate assessments, including: What is an alternate assessment? What is the purpose for an alternate assessment? When does a state or district need to develop an alternate assessment? Is it necessary to have an

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RESOURCE GUIDE (continued)

alternate assessment for every statewide or district-wide test that is administered? What are the expectations for reporting results of the alternate assessment? What is the role of the IEP team? Where can I find additional information about alternate assessment?

Developing Alternate Assessments for Students with Disabilities ☒

Author: U.S. Department of Education, Office of Special Education Programs

Publication Date: 1998

Published By: Washington, DC: Author. In the ***Twentieth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act*** (page IV-15)

Available From: Download from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/** or by contacting Ed Pubs at 877-433-7827, 877-576-7731 (TTY toll free). Also found on the ***Discover IDEA CD 2002***, and on the ASPIIRE/ILIAD web site at **www.ideapractices.org.**

Format: Chapter in report.

Brief Description: The chapter provides an overview of alternate assessments, including critical issues related to development. The experiences of Kentucky and Maryland in developing alternate assessments are described.

How to Conduct Alternate Assessments: Practices in Nine States

Author: Warlick, K., & Olsen, K.

Publication Date: 1999

Published By: Lexington, KY: Mid-South Regional Resource Center

Available From: Download from the Mid-South Regional Resource Center (MSRRC) web site at **www.ihdi.uky.edu/msrrc**. Or contact MSRRC at the Interdisciplinary Human Development Institute, University of Kentucky, One Quality Street, Lexington, KY 40506, 859-257-4921, 859-257-2903 (TTY). The document also may be linked from the NICHCY site at **www.nichcy.org.**

Format: Brief report.

Brief Description: The report provides a description of how nine states—Delaware, Idaho, Indiana, Kentucky, Maryland, Michigan, Missouri, North Carolina, and Tennessee—are addressing the IDEA requirement related to alternate assessments. This document can be used to compare state practices, as well as provide a general understanding of current practice with regard to alternate assessments.

Who Takes the Alternate Assessment? State Criteria

Author: Warlick, K., & Olsen, K.

Publication Date: 1998

Published By: Lexington, KY: Mid-South Regional Resource Center

Available From: Download from the Mid-South Regional Resource Center (MSRRC) at **www.ihdi.uky.edu/msrrc**. Or contact MSRRC at the Interdisciplinary Human Development Institute, University of Kentucky, One Quality Street, Lexington, KY 40506, 859-257-4921, 859-257-2903 (TTY). The document also may be obtained from a link on the NICHCY web site at **www.nichcy.org**.

Format: Brief report.

Brief Description: The report focuses on the question of whom to include in the alternate assessment in order to help state and local agencies that have yet to develop criteria. Authors reviewed the policies and guidelines from 12 states—Colorado, Delaware, Idaho, Kansas, Kentucky, Maryland, Michigan, Missouri, North Carolina, South Carolina, Tennessee, and West Virginia—to ascertain criteria being used. [*Note:* The data used in this document were collected prior to the issuance of the final regulations for IDEA.] This document may be used as a reference for comparing one's own state criteria with other states. In addition, the criteria presented can provide a stimulus for discussing the criteria by which IEP teams make decisions regarding who will take an alternate assessment.

Appendix A-7

RESOURCE GUIDE (continued)

References

The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

Burgess, P., & S. Kennedy, S. (1998). ***What gets tested, gets taught—Who gets tested, gets taught: Curriculum framework development process.*** Lexington, KY: Mid-South Regional Resource Center.

Hardman, M., McDonnell, J., & Welch, M. (1997). ***Special education in an era of school reform: Preparing special education teachers.*** Washington, DC: Federal Resource Center for Special Education.

Kamper, S., Horvath, L., Kleinert, H., & Kearns, J. (2001). Teachers' perceptions of one state's alternate assessment: Implications for practice and preparation. ***Exceptional Children,*** *67*(3), 361-374.

Kleinert, H., Haig, J., Kearns, J., & Kennedy, S. (2000). Alternate assessments: Lessons learned and roads to be taken. ***Exceptional Children,*** *67*(1), 51-66.

Kleinert, H., & Kearns, J. (2001). ***Alternate assessment: Measuring outcomes and supports for students with disabilities.*** Baltimore, MD: Brookes Publishing.

Kleinert, H., Kennedy, S., & Kearns, J. (1999). The impact of alternate assessments: A statewide teacher survey. ***The Journal of Special Education,*** *33*(2), 93-102.

Massanari, C. (no date). ***Alternate assessment: Questions and answers.*** Logan, UT: Mountain Plains Regional Resource Center, Utah State University. ☒

Olsen, K. (1998). ***What principles are driving development of state alternate assessments?*** Lexington, KY: Mid-South Regional Resource Center.

Thompson, S., Quenemoen, R., Thurlow, M., & Ysseldyke, J. (2001). ***Alternate assessments for students with disabilities.*** Thousand Oaks, CA: Corwin Press.

Thompson, S., & Thurlow, M. (2001). ***2001 state special education outcomes: A report on state activities at the beginning of a new decade.*** Minneapolis, MN: National Center on Educational Outcomes. [Document may be downloaded from the NCEO web site at **http://www.coled.umn.edu/nceo/onlinepubs/2001StateReport.html.**]

Thompson, S., & Thurlow, M. (1999). 1999 state special education outcomes: A report on state activities at the end of the century. Minneapolis, MN: National Center on Educational Outcomes. [Document may be downloaded from the NCEO web site at **http://www.coled.umn.edu/nceo/onlinepubs/99StateReport.htm.**]

Thurlow, M. (2001). ***Students with disabilities in standards-based reform.*** A framing paper for A National Summit on the Shared Implementation of IDEA. Washington, DC. ☒ [Available on the ASPIIRE/ILIAD web site at **www.ideapractices.org.**]

RESOURCE GUIDE (continued)

Turner, M., Baldwin, L., Kleinert, H., & Kearns, J. (2000). The relation of a statewide alternate assessment for students with severe disabilities to other measures of instructional effectiveness. ***The Journal of Special Education, 34***(2), 69-76.

U.S. Department of Education, Office of Special Education Programs (1998). Developing alternate assessments for students with disabilities (IV-15). In the ***Twentieth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act.*** Washington, DC: Author. ☒

Warlick, K., & Olsen, K. (1999). ***How to conduct alternate assessments: Practices in nine states.*** Lexington, KY: Mid-South Regional Resource Center.

Warlick, K., & Olsen, K. (1998). ***Who takes the alternate assessment? State criteria.*** Lexington, KY: Mid-South Regional Resource Center.

Ysseldyke, J., & Olsen, K. (1999). Putting alternate assessments into practice: What to measure and possible sources of data. ***Exceptional Children, 65***(2), 175-185.

Ysseldyke, J., Olsen, K., & Thurlow, M. (1997). ***Issues and considerations in alternate assessments.*** [Synthesis Report 27.] Minneapolis, MN: National Center on Educational Outcomes.

Resources

The following resources include organizations and/or web sites that feature information on the topic of alternate assessments. In most cases, OSEP has not reviewed the information available from these resources for consistency with IDEA and no endorsement by OSEP is implied. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

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RESOURCE GUIDE (continued)

Mid-South Regional Resource Center (MSRRC)

www.ihdi.uky.edu/msrrc/

Housed At: Interdisciplinary Human Development Institute, University of Kentucky, One Quality Street, Lexington, KY 40506, 859-257-4921, 859-257-2903 (TTY).

Brief Description: MSRRC provides print and technical assistance on a variety of topics, including alternate assessment.

National Center on Educational Outcomes (NCEO)

www.coled.umn.edu/NCEO

Housed At: University of Minnesota, 350 Elliott Hall, 75 East River Road, Minneapolis, MN 55455, 612-626-1530.

Brief Description: The National Center on Educational Outcomes (NCEO) provides national leadership in the identification of outcomes, indicators, and assessments to monitor educational results for all students, including students with disabilities. This site contains publications, networking resources, and technical assistance related to all aspects of helping students with disabilities participate in State and district-wide assessments with accommodations and modifications, as appropriate, in accountability systems, and in educational reform efforts. The web site has a number of reports related to alternate assessments. Data describing state activities with regard to alternate assessments are updated routinely.

Appendix* A-8

RESOURCE GUIDE

Assessment Accommodations for Students Who are English Language Learners*

As increased numbers of children with disabilities who are English language learners participate in State and district-wide assessments, an emphasis is placed on providing appropriate and necessary assessment accommodations. To ensure that students who are English language learners participate in large-scale assessments, policies are needed that help guide stakeholders in determining the types of accommodations that will allow these students to participate and show their best performance (Butler & Stevens, 1997; Rivera, Stansfield, Scialdone, & Sharkey, 2000; Thurlow, Liu, Erickson, Spicuzza, & El Sawaf, 1996).

What the Law Says

IDEA provides that children with disabilities will participate in State and district-wide assessments of achievement with accommodations as appropriate. [*Note*: Only portions of the regulations are provided here for your convenience.]

34 C.F.R. §300.346—Development, review, and revision of IEP.

(a) Development of IEP.

(1) General. In developing each child's IEP, the IEP team, shall consider—

*[*Please note that only the materials in this appendix which have been marked with an ■ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

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RESOURCE GUIDE (continued)

(i) The strengths of the child and the concerns of the parents for enhancing the education of their child;

(ii) The results of the initial or most recent evaluation of the child; and

(iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

(2) Consideration of special factors. The IEP team also shall—

(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior; ...

(ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

...

(Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

What Research Says

Research is only starting to emerge with regard to showing the effectiveness of accommodations and modifications in helping students with disabilities who are English language learners participate in State and district-wide assessments of achievement. Overall, the most typical types of accommodations—timing/scheduling and setting—do not address the linguistic needs of students; and the accommodations that are intended to make test content more accessible to English language learners (e.g., presentation and response) are less commonly permitted (Menken, 2000; Rivera, et al., 2000).

Large scale assessments may identify selected accommodations approved for use by students with disabilities who are English language learners. For example, the National Assessment of Educational Progress (NAEP) allows several types of accommodations on its exams for students with disabilities who are English language learners depending on exam and grade level (e.g., using a bilingual test book and bilingual dictionary or glossary; varying the setting by way of providing one-on-one testing, allowing extended time, reading aloud the test instructions; allowing the use of Braille, large print, or technology) (Olson & Goldstein, 1997). Research on the effects of such accommodations on students with disabilities who are English language learners has proven inconclusive.

- Albus, Bielinski, Thurlow, & Liu, 2001.
- Hafner, 2000.

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Materials that Address Assessment Accommodations for Students Who are English Language Learners

Directory of Bilingual School Psychologists 2000

Author: National Association of School Psychologists

Publication Date: 2000

Published by: Bethesda, MD: Author

Available From: National Association of School Psychologists (NASP), 4340 East West Highway, Suite 402, Bethesda, MD 20814, 301-657-0270, **www.nasponline.org.**

Format: Small booklet.

Brief Description: This directory is a resource for school districts and others who wish to employ bilingual psychologists to conduct assessments or provide counseling and consulting services to non-English speaking students and their families. The directory is organized by language. Within each language grouping, the list is further organized by state. Each entry includes the psychologist's name, contact information, certification and licensure status, ages of clients the psychologist is willing to work with, and fees. The individuals listed in the directory responded to a national survey. It is important to note that NASP does not endorse individuals listed in the directory nor guarantee accuracy of information. However, individuals did sign a statement attesting to the accuracy of the information.

Language Minority Children and Youth in Special Education

Author: Avoké, S., & Wood-Garnett, S.

Publication Date: 2001

Published by: Arlington, VA: Council for Exceptional Children

Available From: The article appears in *TEACHING Exceptional Children*, 33(4) 90-91. Information on obtaining this article is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org.**

Format: Journal article.

Brief Description: This two-page article summarizes resources for supporting achievement for language minority students with disabilities.

Appendix A-8

RESOURCE GUIDE (continued)

References

The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

Albus, D., Bielinski, J., Thurlow, M., & Liu, K. (2001). ***The effect of a simplified English language dictionary on a reading test.*** [LEP Projects Report 1.] Minneapolis, MN: National Center on Educational Outcomes. [Report may be downloaded from **http://www.coled.umn.edu/NCEO/OnLinePubs/LEP1.html.**]

Avoké, S., & Wood-Garnett, S. (2001). Language minority children and youth in special education. ***TEACHING Exceptional Children, 33***(4) 90-91.

Butler, F., & Stevens, R. (1997). ***Accommodation strategies for English language learners on large-scale assessments: Student characteristics and other considerations.*** Los Angeles, CA: National Center for Research on Evaluation, Standards, and Student Testing, University of California.

Hafner, A. (2000). ***Evaluating the impact of test accommodations on the test scores of LEP students and non-LEP students.*** Final Report. Dover, DE: Delaware Department of Education. [Report may be downloaded from the Delaware Department of Education web site at **http://www.doe.state.de.us/aab/DSTP_research.html.**]

Menken, K. (2000). What are the critical issues in wide-scale assessment of English language learners? ***National Clearinghouse for Bilingual Education Issues Brief,*** number 6, 1-6. [May be downloaded from **www.ncela.gwu/ncbepubs/issuebriefs/ib6.htm.**]

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Olsen, J., & Goldstein, A. (1997). ***The inclusion of students with disabilities and limited English proficient students in large-scale assessments: A summary of recent progress.*** Washington, DC: U.S. Department of Education, Office of Educational Research and Improvement.

Rivera, C., Stansfield, C., Scialdone, L., & Sharkey, M. (2000). ***An analysis of state policies for the inclusion and accommodation of English language learners in state assessment programs during 1998-1999.*** Washington, DC: Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education.

Thurlow, M., Liu, K., Erickson, R., Spicuzza, R., & El Sawaf, H. (1996). ***Accommodations for students with limited English proficiency: Analysis of guidelines from states with graduation exams.*** [Minnesota Report 6.] Minneapolis, MN: National Center on Educational Outcomes.

RESOURCE GUIDE (continued)

Resources

The following resources include organizations and/or web sites that feature information on the topic of assessment accommodations for students with disabilities who are English language learners. In most cases, OSEP has not reviewed the information available from these resources for consistency with IDEA and no endorsement by OSEP is implied. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

Bilingual Psychological and Educational Assessment Support Center

http://forbin.qc.edu/ECP/bilingualcenter/

Housed At: Queens College CUNY, Educational and Community Programs, 65-30 Kissena Blvd., Flushing, NY 11367, 718-997-5234.

Brief Description: The center, which is funded by the New York State Education Department, Office of Vocational and Educational Services for Individuals with Disabilities, provides training materials and technical assistance in bilingual assessment. It provides a variety of resources (e.g., syllabi, training materials, and a newsletter), including links to other sites.

BUEÑO Center

http:www.colorado.edu/education/BUENO/

Housed At: School of Education, UCB 247, University of Colorado, Bolder, CO 80309, 303-492-5416.

Brief Description: The BUEÑO Center for Multicultural Education provides a range of research, training, and service projects. The Center is committed to facilitating equal educational opportunities for cultural and language minority students. The Center also disseminates research findings and related information.

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RESOURCE GUIDE (continued)

Center for Excellence and Equity in Education (CEEE)

http://ceee.gwu.edu/ceeehome.htm

Housed At: George Washington University, 1738 North Lynn Street, Suite 401, Arlington, VA 22209, 800-925-3223 (toll free).

Brief Description: The web site provides a database of state activities related to assessing children who are limited English proficient. It describes the accommodations that each state allows for these children. The document, *An Analysis of State Policies for the Inclusion and Accommodation of ELLs in State Assessment Programs During 1998-1999*, also is available.

Center for Research on Education, Diversity, and Excellence (CREDE)

http://www.crede.ucsc.edu/

Housed At: University of California-Santa Cruz, 1156 High Street, Santa Cruz, CA 95064, 831-459-3500.

Brief Description: Central to its mission, CREDE's research and development focuses on critical issues in the education of linguistic and cultural minority students and those students placed at risk by factors of race, poverty, and geographic location.

Department of Education, State of Delaware

http://www.doe.state.de.us/

Housed At: State Department of Education, John G. Townsend Building, 401 Federal Street, P.O. Box 1402, Dover, DE 19903, 302-739-4601.

Brief Description: With U.S. Office of Educational Research and Innovation (OERI) money, the Department of Education in Delaware funded a number of studies on the inclusion of students who are English language learners in its State assessment. The studies are available on the web site and may be read online or downloaded. Of particular interest are the following studies:

- The Development and Implementation of Portfolios as Alternate Assessment for Limited English Proficient Students in the State of Delaware.

RESOURCE GUIDE (continued)

- The Effects of a Simplified English Dictionary Accommodation for LEP Students Who Are Not Literate in their First Language.
- Language Difficulty and Assessment Accommodations for English Language Learners.
- Evaluating the Impact of Test Accommodations on Test Scores of LEP Students and Non-LEP Students.

National Association for Bilingual Education (NABE)

www.nabe.org

Housed At: 1030 15th Street, NW, Suite 470, Washington, DC 20005, 202-898-1829.

Brief Description: NABE is a nonprofit membership organization at the national level devoted to representing both the interests of language-minority students and the bilingual education professionals who serve them. The web site contains resources related to bilingual education.

National Association of School Psychologists (NASP)

www.nasponline.org

Housed At: 4340 East West Highway, Suite 402, Bethesda, MD 20814, 301-657-0270.

Brief Description: NASP is a national membership organization serving school psychologists. NASP produces a number of publications and offers services that are described on the web site.

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RESOURCE GUIDE (continued)

National Center on Educational Outcomes (NCEO)

http://www.coled.umn.edu/NCEO/

Housed At: University of Minnesota, College of Education, 350 Elliott Hall, 75 East River Road, Minneapolis, MN 55455, 612-626-1530.

Brief Description: The National Center on Educational Outcomes (NCEO) provides national leadership in the identification of outcomes, indicators, and assessments to monitor educational results for all students, including students with disabilities. This site contains publications, networking resources, and technical assistance related to all aspects of helping students with disabilities participate in State and district-wide assessments with accommodations and modifications, as appropriate, in accountability systems, and in educational reform efforts. NCEO has several reports on accommodations for children with disabilities who are limited English proficient. Go to **http://www.coled.umn.edu/NCEO/TopicAreas/LEP_topic.htm** and select reports 6,11,12,20, and 31.

Pathway Guide*

*[*Please note that only the materials in this Pathway Guide which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education. Also, please note that because several of the documents referenced herein pre-date the passage of the No Child Left Behind Act of 2001 (NCLB) (passed January 8, 2002) and its implementing regulations, they do not address the requirements of NCLB. For information on NCLB, see* ***www.ed.gov****.]*

Leadership to Support Achievement for Children with Disabilities

Inside this Pathway Guide*

The purpose of this Pathway Guide is to connect users to relevant materials that discuss provisions in IDEA from a leadership perspective. To this end, the Pathway Guide is designed to expand users' knowledge about selected IDEA provisions that relate to supporting achievement for children with disabilities and that are of particular interest to educational leaders—defined here as administrators, service providers, family members, policymakers, and other stakeholders who provide leadership on issues related to IDEA. The Pathway Guide is organized into the following sections:

- **Section 1: Introduction**: Use this section to orient yourself to the topic of leadership as it relates to IDEA.

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- **Section 2: Connections to the Law**: Use this section to locate the IDEA Regulations—presented verbatim—related to provisions that support achievement for students with disabilities.
- **Section 3: Connections to Relevant Materials**: Use this section to locate information on leadership issues related to IDEA. Also included are suggestions—called Information Builders—for sharing the materials with colleagues and others in the context of informal interchanges, professional development sessions, and/or meetings.
- **Section 4: Connections to Web-Based Resources**: Use this section to find additional information of interest related to leadership.
- **Section 5: Connections to References**: Use this section to find citations for all materials used in this Pathway Guide.
- **Appendix**: Use this section to find resource tools, blackline masters for making transparencies and handouts, and Resource Guides.

No matter your role and responsibility—whether it be an administrator, service provider, family member, policymaker, and/or an individual who desires more knowledge about IDEA—you can use the following information to enhance your understanding and/or the understanding of others about the provisions in IDEA that require leadership. In all cases, having information—both for personal use when making decisions and for sharing with staff and others—helps educational leaders in addressing areas critical to supporting achievement for all children, including children with disabilities.

Section 1: Introduction*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

In 1997, the Individuals with Disabilities Education Act (IDEA) was reauthorized and amended. The changes made to IDEA affect the way administrators, service providers, early childhood educators, family members, policymakers, and other stakeholders go about the important work of providing quality education, special education, related services, and early intervention for children with disabilities. Their leadership is critical to success.

Educating students with disabilities is a responsibility that is shared among all stakeholders. No one individual is expected to do this alone. Collaboration and shared responsibility require the creative use of all school stakeholders, as well as the understanding that the greater community may partner in this effort.

Special education and general education are part of the same system. On a daily basis, individuals who assume leadership roles must demonstrate that they uphold and support the legal requirements of IDEA, as well as assume responsibility for oversight and monitoring of the school program (IDEA Local Implementation by Local Administrators Partnership & National Association of Elementary School Principals, 2001). In some cases, this involves ensuring due process as it relates to requirements for individualized education program development, school climate and discipline procedures for students with disabilities, parent communication, least restrictive environment, and student participation in State and district-wide assessments. But in all cases, it is a matter of understanding how IDEA supports achievement for students with disabilities and how individuals serving in leadership roles can play a role in ensuring its implementation.

To this end it takes strong leaders to ensure that all students achieve. It takes strong leaders to ensure that all students—and their service providers and families—receive the supports and services they need to learn and develop. And, it takes strong leaders to create a positive learning climate that embodies a unifying philosophy of respect for all children and all stakeholders in the total school community.

The responsibilities of being a leader are great. Leaders can draw support from the law in helping all students, including students with disabilities, achieve to high standards. They may review school programs and practices for effectiveness and consistency with the law and provide guidance as needed for school improvement that reflects both its intent and spirit. Leaders play a central role in helping to guarantee that IDEA produces improved results for children with disabilities.

Section 2: Connections to the Law*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

This section connects you to selected IDEA provisions—as stated in the Regulations—that relate to how leaders may support achievement for children with disabilities. [*Note*: Only portions of the regulations are presented in Appendices L-1 through L-6. The entire statute and regulations are available electronically on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.]

Leaders should be familiar with all aspects of the law. In the context of supporting achievement for children with disabilities, leaders may wish to pay particular attention to IDEA provisions related to:

- Individualized education programs (IEPs). [See **Appendix L-1**.]
- Least restrictive educational environments. [See **Appendix L-2**.]
- School climate and discipline. [See **Appendix L-3**.]
- State and district-wide assessments. [See **Appendix L-4**.]

In addition, IDEA provisions related to personnel and professional development are included (see **Appendix L-5**).

Selected IDEA regulations pertaining to family involvement are found in **Appendix L-6**. Since the beginning of special education legislation, families of children with disabilities have been considered important partners in meeting the needs of children with disabilities. Leaders ensure that parents—defined here as a natural or adoptive parent of a child, a guardian (but not the State if the child is a ward of the State), a person acting in the place of a parent (such as a grandparent or a step-parent with whom the child lives or a person who is legally responsible for the child's welfare), or a surrogate parent [34 C.F.R. §300.20]—are not only present at IEP meetings, but that they also have the opportunity to participate in planning, reviewing, and revising their child's individualized educational program, placement decisions, and evaluations.

In each case, regulatory provisions are organized by questions—such as "What does IDEA say about...?"—followed by the actual IDEA section number and text. [*Note*: The organizing questions are not regulatory language.]

Although the regulations are provided in Appendices L-1 through L-6 for your convenience, they also are available electronically. You are encouraged to use the ***Discover IDEA CD 2002*** or the ASPIIRE/ILIAD web site at **www.ideapractices.org** to navigate your search of sections of interest. You also are encouraged to take advantage of the enhancement capability of these two resources to guide your search. For example, for selected provisions, these resources allow you to click on additional information (e.g., analysis of comments, discussions, and changes). To do this, click on a section of the regulations that pertain to the topic of interest (a magnifying glass icon will guide you). Each regulation is presented, followed by a discussion entitled, Analysis of Comments, Discussions, and Changes. This discussion provides a summary of relevant information that helped to inform the writing of the particular regulation. Also, be aware that a litigation log of relevant case law is available on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Section 3: Connections to Relevant Materials*

*[*Please note that only the materials in this section which have been marked with an ▣ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

The purpose of this section is to connect users to relevant materials, some of which have been reviewed by OSEP for consistency with IDEA. The materials have been written for a number of different audiences—teachers, administrators, parents, and other stakeholders. Each day, stakeholders may need such information. Consider these possibilities:

- A fellow IEP team member believes that a particular assistive technology device is necessary for a child, and during the IEP meeting asks you if IDEA requires the school district to pay for it.
- For your professional organization, you have been asked to lead a conference session on the administrator's role in providing positive behavioral support and interventions for students with disabilities who have challenging behaviors.
- A parent asks why some children receive assessment accommodations and others do not.
- Because of your interest and knowledge of IDEA, a fellow administrator asks you where he or she might find information about IDEA requirements for charter schools.
- Several staff members at the weekly morning personnel meeting inquire about new requirements related to regular educators' participation on IEP teams, and want to know what their rights and responsibilities are in the matter.
- Regular classroom teachers are collaborating with related service providers in your building and want to know if IDEA provides professional supports that may be used to enhance their work.
- As a member of a teacher recruitment and retention task force, you are asked if IDEA provides any guidance in ensuring a qualified workforce.

As someone with knowledge of IDEA, you may be comfortable answering these questions or knowing where to go for answers. In some of these cases, your response may be enhanced by a print or electronic document that you can share.

This section contains selected materials (e.g., print guides, frequently asked questions, CD-ROM, booklets) related to providing leadership, some of which have been reviewed by OSEP for consistency with IDEA. It is important to note that, while other quality materials exist, the ones chosen for inclusion in this Pathway Guide have particular applicability to administrators and service providers who are serving in leadership roles. This is not to say that family members, policymakers, and other stakeholders will not benefit from the materials—indeed, many of the resources are relevant for all groups—but that the particular application of information will be most relevant given the roles and responsibilities of administrators and service providers.

For a listing of OSEP-reviewed resources, visit the National Information Center for Children and Youth with Disabilities (NICHCY) at **www.nichcy.org**.

Organization of the Annotations—Relevant Materials

Information in the annotations is organized as follows:

- Name of the resource.
- Author.
- Publication date.
- Publisher.
- Availability. In many cases, the documents may be downloaded from links on the Internet. In a few cases, resources must be ordered. Information is given to that effect. More detailed ordering information can be found on the ASPIIRE/ILIAD web site: **www.ideapractices.org**.
- Format. Information is given about the resource, such as whether it is print or media-based, number of pages (as appropriate), and availability in an alternate language (e.g., Spanish) or format (e.g., Braille).
- Brief description.
- Possible uses. A brief description of how to use and/or share the materials is offered. Occasionally, Information Builders—suggestions for activities that utilize the resource—will be offered. In some instances, tools (e.g., sample activities, handouts, checklists) that may be used in the context of sharing the product are referenced. These tools are found in the appropriate appendix.

Annotated Materials

Addressing Over-Representation of African American Students in Special Education: The Prereferral Intervention Process—An Administrator's Guide

Author: National Alliance of Black School Educators (NABSE) & the IDEA Local Implementation by Local Administrators Partnership (ILIAD)

Publication Date: 2002

Published By: Arlington, VA: Council for Exceptional Children, and Washington, DC: NABSE

Available From: Download from the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Order from NABSE at 310 Pennsylvania Avenue, SE, Washington, DC 20003, 800-221-2654, or from the Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Format: 52-page soft cover print guide.

Brief Description: The guide is designed to provide administrators with a general understanding of the issue so that they may review their programs for signs of overrepresentation of African American students and take appropriate action as needed. To this end, the guide presents information on the following topics:

- An overview of overrepresentation, including U.S. Department of Education data showing the extent and seriousness of the problem.
- How the law supports administrators in addressing overrepresentation of African American students in special education.

- How experienced practitioners and researchers suggest administrators might intervene to prevent and eliminate the overrepresentation of African American students in their districts through a prereferral intervention process, attention to school climate, family involvement, and professional development.
- Resources on overrepresentation that administrators may refer to for further study and programmatic support.

Featured in the guide are recommendations of practices that show promise of preventing the overrepresentation of African American students in special education. NABSE and ILIAD convened focus groups of experienced practitioners and researchers—most of whom had knowledge of both special education and culturally diverse students—to develop the recommendations. These recommendations have been organized into checklists at the end of each chapter. Administrators are encouraged to compare their own program processes and procedures with those suggested in the checklists and use their findings to recommend possible changes.

Possible Uses: The guide was developed as a tool for leaders to use when reflecting on possible overrepresentation in their schools. Suggestions for using the document to assist individuals in demonstrating leadership on this topic are found in the following Information Builders.

INFORMATION BUILDER L.a

Review the Checklist

At the end of each chapter, the authors have included a checklist of recommendations developed by NABSE and ILIAD focus groups. In addition to individuals filling out the checklist, it may be used with groups. For example, plan a team meeting of stakeholders (e.g., administrators, teacher leaders, parents, related service providers). Select an area for study (e.g., prereferral intervention process, family involvement, school climate) and ask each team member to complete the appropriate section of the checklist prior to the meeting. Encourage individuals to feel free to mark items "not applicable to our school/district." At the meeting, review results. For each item that was marked "not applicable" discuss why individuals believe this to be so. Discuss the ratings for each guideline. Note any discrepancies in ratings across respondents and discuss the source of different perceptions. Allow sufficient time to brainstorm ways that recommendations that are not always evident may be addressed.

As a variation, use the checklists as a warm-up when working with a large group representing different schools and districts. Ask participants, either independently or with colleagues from their school, to fill out the checklist for a particular area (e.g., prereferral intervention process, family involvement, school climate). Share results. In areas where items were rated "present all of the time," encourage representatives from the schools to provide examples of how the recommendation looks in practice at their school. This activity also can be used by the facilitator as a needs assessment for the group.

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INFORMATION BUILDER L.b

Guidelines Warm-Up

Introduce a staff development session by asking participants to form small groups and generate their own lists of recommendations for addressing the overrepresentation of African American students in special education. To make this task manageable, focus on only one area at a time (e.g., prereferral intervention process, school climate, family involvement), and/or assign different categories to groups (for example, Group 1 works on "prereferral intervention process," whereas Group 2 works on "family involvement"). Compare participants' results with those in the NABSE and ILIAD guide.

INFORMATION BUILDER L.c

Discuss the Statistics

Each year, the U.S. Department of Education, Office of Special Education Programs (OSEP) prepares the ***Annual Report to Congress on the Implementation of IDEA***. The Annual Reports contain data from the U.S. Department of Education showing the number of students served in special education and how many of these students are from diverse racial/ethnic backgrounds. Data presented in the 2001 Annual Report show the overrepresentation of African American students in special education. Make a transparency of Figure 1 from the guide or use the [illegible] in **Appendix L-5**, which presents data from the most recent Annual Report (2001), The Twenty-third Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act. Ask participants to consider the statistics. Use the following conversation starters:

- What implications arise from overrepresentation? What impact might referral to special education have on African American students? [Note: The guide points out that overrepresentation has been shown to cause harm to many African American students nationwide. Students may be denied access to the general education curriculum, receive services that do not meet their needs, and/or be misclassified or inappropriately labeled. Too often mislabeling results in low expectations for achievement that are held for the student. The potential for social-emotional problems increases and post-school outcomes are seriously undermined. Mislabeled students may, in fact, experience similar negative results as students with disabilities, such as inequity in educational opportunity, differential graduation rates, differential earning power upon graduation, and differential enrollment in postsecondary educational institutions.]
- What are possible causes of overrepresentation?
- How does overrepresentation come about?
- Do you suspect overrepresentation in your school or district? What steps are being taken to address overrepresentation?

INFORMATION BUILDER L.d

Build an Action Plan

After participants have an understanding of the NABSE and ILIAD recommendations, consider the implications to practice. This activity may be done either in small or large groups. Present recommendations for each area. Ask group members to review each recommendation area (e.g., for prereferral intervention process, review incorporating effective elements in prereferral practices and ensuring the availability of general education strategies and supports) and select those that they believe may help prevent or address overrepresentation in their school or district. Once they have selected recommendations, ask them to consider practical implications (e.g., facilitators and barriers to putting the recommendation into practice). The group should make a list of the barriers for each guideline and then discuss ways to eliminate them.

Discover IDEA: Supporting Achievement for Children with Disabilities [Video and Brochure]

Author: The Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE), & the IDEA Local Implementation by Local Administrators Partnership (ILIAD), Council for Exceptional Children

Publication Date: 2001

Published By: Arlington, VA: Council for Exceptional Children

Available From: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Format: The videotape (VHS) is close captioned in English and Spanish, with the accompanying brochures in English and Spanish.

Brief Description: The video (approximately 15 minutes) presents an overview of several of the provisions in IDEA designed to support achievement. Those featured are:

- **Develop an individualized education program (IEP).** Each school-aged child with a disability who is IDEA eligible must have an IEP that describes his or her special needs and how special education, general education, and related services will be provided to meet those needs and improve educational results.
- **Provide supports and services in the least restrictive environment.** IDEA provides for a continuum of educational settings based on students' needs. However, IDEA also provides that each student is to be educated in the least restrictive environment—to the extent appropriate with nondisabled peers.
- **Address behavior that impedes learning proactively.** IDEA has provisions that reflect a prevention focus—in addition to intensive services and supports. If a child with a disability exhibits behaviors that impede his or her learning and/or the learning of others, any appropriate positive behavioral interventions, strategies, and supports to address that behavior must be considered.
- **Ensure participation in State and district-wide assessments.** IDEA provides that students with disabilities must participate in State and district-wide assessments of student progress with individual accommodations as needed. For a low percentage of students with disabilities, participation may require an alternate State or district assessment.

Discover IDEA: Supporting Achievement for Children with Disabilities lets you hear from educators, related service providers, family members, and children themselves across the nation who attest to the impact of IDEA in ensuring that children with disabilities learn and achieve to their potential. The video received an Honorable Mention in the 2000 Communicator Awards and 2001 Videographer Awards. It also received a Gold Aurora Award.

The video is accompanied by a brochure that summarizes the main points in the video and provides information about the IDEA Partnerships and other selected resources. You are encouraged to check out the web sites listed in the brochure for additional information (see Section 4 in the Discover IDEA Core Module for more information about these and other web sites). Twenty copies of the brochure in English and twenty copies in Spanish are included with each video package. [*Note*: The same video is included in the inside cover of this package.]

Possible Uses: The videotape and brochure make an excellent focus for a staff meeting, staff development session, or video-lending library for parents and staff. Suggestions for using the resource to assist individuals in demonstrating leadership are found in the following Information Builders.

INFORMATION BUILDER L.e

Create a Resource File

The accompanying brochure presents listings of publications, web sites, and organizations. Consider developing a resource file or station in the staff library or work room that includes information on IDEA. To get started, you may want to convene a group of colleagues to review the resources presented in the brochure. Pose the following questions:

- What do we know about the IDEA Partnerships? Consider taking time to explore the web sites for each of these projects. You may do this as a team or assign individuals to review the web sites and report on the types of information available on each. Subscribe to **IDEAnews** by going to **www.ideapractices.org**. Discuss how you might share these sites with other colleagues.
- Do we have copies of the training materials [illegible] in the brochure. Other materials that have been reviewed by OSEP can be found on the web sites at www.ideapractices.org, www.nichcy.org, www.fape.org, www.ideapolicy.org, and www.ed.gov/offices/OSERS/OSEP/, as well as in the **Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide** package. Many of these resources may be downloaded from the web. Consider gathering some of these materials and making them available in your resource file. Encourage users to include feedback on how they used the materials and share these comments with others.
- Are we familiar with the organizations—OSEP, CEC, NICHCY, and ERIC—that provide information about IDEA and supporting achievement for students with disabilities? Each of these organizations has a web site. Consider taking time to explore the web sites for each of these projects. Links to all of the organizations are found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. You may check them out as a team or assign individuals to review the web sites and report on the types of information available on each. Discuss how you might share information about these organizations with other colleagues.
- What do we know about the partnership organizations which are listed? Do we know anyone who is a member of these groups? It might be helpful to survey colleagues and other stakeholders regarding their participation or membership in them. The survey in **Appendix L-8** may be used to solicit information from colleagues and others. If individuals are members of one of these groups, invite them to share information about its mission and resources.

Discuss how you might organize the resource file or station. Consider implementing the following suggestions:

- Locate the resources next to a computer with Internet access and bookmark the different web sites.
- Develop a "map" of what is available in the resource file and post it.
- Schedule monthly "What's New?" sessions.
- Assign two or more people to coordinate the resource file and update it bimonthly.
- Plan a way to alert colleagues when new materials are added to the resource center.
- Organize a study group that reviews materials and makes recommendations to others on potential use.
- Create a plan for encouraging parents to use the resources.

INFORMATION BUILDER L.f

Would I Have Said This?

When using this videotape in the context of enhancing leadership capacity (e.g., leadership seminar, work group), consider having viewers focus on the comments made by administrators. Ask them if they agree or disagree with the statements (called sound bites in the video industry), and to explain why. [**Appendix L-9** contains a listing of quotes/sound bites from the video.] As a variation, ask participants to generate their own sound bites for each topic addressed in the video. Share these with the larger group.

For another variation, watch the video with other stakeholders—teachers and direct service providers, related service providers, parents, and students as appropriate. Ask them to discuss agreement or disagreement with the different sound bites. If time permits, invite them to generate their own sound bites in the event they are asked to be in a videotape on IDEA. [*Note*: Consider forwarding all quotes to the ASPIIRE/ILIAD web site at **www.ideapractices.org**.]

Every Single Student PEER Project

Author: Federation for Children with Special Needs (FCSN)

Publication Date: 2000

Published By: Boston, MA: Federation for Children with Special Needs

Available From: The entire manual may be downloaded from the PEER Project link on the FCSN web site at **www.fcsn.org**. Or contact FCSN at 1135 Tremont Street, Suite 420, Boston, MA 02120, 617-236-7210, **www.fcsn.org**.

Format: Manual in three-ring binder; some articles in Spanish.

Brief Description: This manual focuses on standards-based education and children with disabilities prior to the passage of NCLB. The manual is divided into topical sections that have relevance for individuals serving in leadership positions who have responsibility for including students with disabilities in standards-based reform efforts. The sections include:

- Standards.
- Curriculum and instruction.
- Accommodations.
- Assessment.
- Legal basis for including students with disabilities in education reform.
- Opportunity to learn.
- Section 504, the ADA, and education reform.
- IDEA.
- Transition.
- Positive behavioral supports.

- Parent participation.
- Site visits.

Most sections contain an information brief and a fact sheet.

Possible Uses: This manual is a useful reference for those leaders who are responsible for ensuring that students with disabilities are included in standards-based reform efforts. The fact sheets may be distributed to the larger community.

Suggestions for using the document to assist individuals in demonstrating leadership are found in the following Information Builders.

INFORMATION BUILDER L.g

Review Policies and Practices

The theory behind standards-based reform is that by setting high standards, shaping curriculum and instruction to meet them, and holding schools accountable for how well students meet the standards, educational quality will rise for all students. School systems should identify and examine any policies and practices that may have the effect of limiting students' access to the courses and instruction necessary to learn the curriculum and meet standards.

Either independently or as a member of a school improvement team, review the policies and practices currently in place. [*Note*: This activity may be modified for use in professional development sessions by using policies and practices of an anonymous district.] To orient participants to the task, use the following examples of policies and practices that hinder student participation in standards-based learning [see **Appendix L-10**]:

- Lack of coordination (e.g., scheduling, content) between special education services and the general education curriculum.
- Substandard curriculum provided to students with disabilities.
- Special education supports and related services not integrated into regular education classrooms.
- Reasonable accommodations, supplementary aids, and services not provided in the context of helping students with disabilities access the general education curriculum.

Invite participants to generate examples of policies and procedures in their own schools that support and hinder participation of students with disabilities in standards-based reform efforts. The activity sheet in **Appendix L-11** may be used for this purpose. After completing the review, discuss how those policies and practices that support participation may be enhanced, and how barriers may be eliminated or reduced.

INFORMATION BUILDER **L.h**

Understand Standards

In an introductory section of IDEA, Congress emphasized that effective school systems must maintain high academic standards and clear performance goals for children with disabilities consistent with the standards and expectations for all students in the educational system. Standards are a way to come to a common understanding of what students should be learning and what teachers should be teaching. Most states and some districts have set standards for what children should know and be able to do as a result of their schooling. If working in a school, obtain the district's standards. If working in a staff development session, obtain standards from several states to use for discussion purposes. Ask participants to review the standards and discuss the following:

- Are children with disabilities specifically included, excluded, or not mentioned?
- Do the standards reflect the learning needs of all students? If not, propose changes.

To extend the activity, secure the district curriculum and review how it reflects the state and/or district standards. Discuss how IEP teams in the school/district might incorporate the standards.

INFORMATION BUILDER **L.i**

Crosswalk the Federal Laws

Even prior to NCLB, several federal laws provided for the participation of students with disabilities in standards-based reform. They are:

- IDEA.
- Section 504.
- Americans with Disabilities Act (ADA).

This information builder uses a jigsaw approach to help individuals understand the influence of these laws.

If working in a planning group or study group, assign each member one of the laws. If facilitating a large group, ask participants to form smaller groups and select one of the laws to investigate. Ask each participant to review the relevant information in the following chapters of the PEER Project manual:

- Legal Basis for Including Students with Disabilities in Educational Reform.
- Section 504, the ADA, and Education Reform.
- IDEA.

The challenge: To report back to the group how the particular law addresses the participation of students with disabilities in standards-based reform. The activity sheet in **Appendix L-12** may be used to assist groups in collecting the information.

Implementing IDEA: A Guide for Principals ☒

Authors: IDEA Local Implementation by Local Administrators Partnership (ILIAD) and National Association of Elementary School Principals (NAESP)

Publication Date: 2001

Available From: The document is available on the ASPIIRE/ILIAD web site in both PDF and Word formats at **www.ideapractices.org**. Order it from the National Association of Elementary School Principals, 1615 Duke Street, Alexandria, VA 22314, 800-38-NAESP (toll free), **www.naesp.org**.

Format: This 73-page guide is available in alternate formats on the Internet, as well as in print format. The document also is available in alternative non-web-based formats (e.g., Braille, large print, and diskette) upon request.

Brief Description: The guide is designed to provide principals in elementary and middle schools with guidance on ensuring quality special education services and early intervention. The document was designed to supplement other NAESP standards documents—*Standards for Quality Elementary and Middle Schools* and *Early Childhood Education and the Elementary School Principal*—by emphasizing the pivotal importance of principals in ensuring that special education, related services, and early intervention are integrated and operationalized throughout the regular school program.

To this end, NAESP developed quality standards and guidelines in the following areas:

- School organization.
- Leadership.
- Curriculum and instruction.
- Staff development.
- School climate.
- Assessment.

For each area, information related to IDEA is presented. An appendix contains a checklist that principals may use to assess themselves and the school community on the NAESP-developed standards and guidelines.

There are many aspects of IDEA compliance not covered in this guide. However, NAESP believes that the standards and guidelines, if implemented, will result in high quality special education, related services, and early intervention being provided to children with disabilities.

Possible Uses: The guide was developed as a tool for building principals to use when reflecting on their schools. Suggestions for using the document to assist individuals in demonstrating leadership are found in the following Information Builders.

INFORMATION BUILDER L.j

Review the Checklist

Appendix A in the NAESP guide contains a checklist of all NAESP-developed quality standards. In addition to individuals filling out the checklist, it may be used with groups. For example, plan a team meeting of stakeholders (e.g., administrators, teacher leaders, parents, related service providers). Select an area for study (e.g., organization, curriculum and instruction, assessment) and ask each team member to complete the appropriate section of the checklist prior to the meeting. Encourage individuals to feel free to mark items "don't know." At the meeting, review results. For each item that was marked "don't know," provide information. Discuss the ratings for each guideline. Note any discrepancies in ratings across respondents and discuss the source of different perceptions. Allow sufficient time to brainstorm ways that guidelines that are not always evident may be addressed.

As a variation, use the checklists as a warm-up when working with a large group representing different schools and districts. Ask participants, either independently or with colleagues from their school, to fill out the checklist for a particular area (e.g., organization, curriculum and instruction, assessment). Share results. In areas where schools were rated high (e.g., always evident and usually evident), encourage representatives from the schools to provide examples of the guidelines. This activity also can be used by the facilitator as a needs assessment for the group.

INFORMATION BUILDER L.k

Review the 1999 IDEA Regulations

Throughout the guide, reference is made to how the IDEA Regulations affect the NAESP quality standards. If working alone or on a study team, become familiar with regulations either by reviewing them in Appendix 2 of the NAESP guide, online at **www.ideapractices.org**, or on the **Discover IDEA CD 2002**. If working with a large group, ask participants to review the selected regulations and discuss how they may incorporate the regulations into practice.

INFORMATION BUILDER L.l

"Yes, But..."

After participants have an understanding of the NAESP quality standards and guidelines, consider the implications for practice. This activity may be done either in small or large groups. Present guidelines for a category in one standard area—for example, in the area of Leadership, the category "to accomplish the school's mission, leadership must be a shared responsibility among all members of the school community." Ask group members to review each guideline by stating, "Yes I agree, but____" and then fill in the sentence with a practical limitation or barrier to achieving the guideline in practice. The group should make a list of the barriers for each guideline and then discuss ways to eliminate them.

INFORMATION BUILDER L.m

"I Would Have Said..."

A number of principals and other administrators were quoted throughout the guide. They were asked to make a personal statement regarding how IDEA helped them improve educational results for children with disabilities. After reviewing each quality standard area (e.g., organization, leadership, staff development, etc.), ask colleagues or group members to generate a quotation. These may be posted in the room. [*Note*: Consider forwarding all quotes to the ASPIIRE/ILIAD web site at **www.ideapractices.org**.]

Making Assessment Accommodations: A Toolkit for Educators ☒

Author: The Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE), & the IDEA Local Implementation by Local Administrators Partnership (ILIAD)

Publication Date: 2000

Published By: Arlington, VA: Council for Exceptional Children

Available From: Council For Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Format: Three-ring binder containing a close captioned videotape (VHS format); blackline masters for making forms and transparencies; video (VHS format, close captioned in English and in Spanish) separately packaged with brochure, and parent pamphlet (in English and in Spanish).

Brief Description: This toolkit provides an overview of making assessment accommodations for general education teachers, special education teachers, related service providers, administrators, and parents. This toolkit—which includes a videotape overview of the topic—contains the following sections:

- **Introduction**. In addition to the overview, the section contains resources and a glossary.
- **A guide for practitioners**. The section contains a discussion of guiding principles for use when making assessment accommodations. It also presents annotations of the most commonly used assessment accommodations.
- **A guide for administrators**. The section contains a discussion and checklist of implementation issues. Also included are blackline masters for a parent pamphlet explaining assessment accommodations (in English and Spanish).
- **Staff development materials**. The section contains suggestions for activities and blackline masters for transparencies, checklists, and participant handouts.

The section for administrators focuses on the administrator's role in implementing assessment accommodations. It describes ways that administrators may:

- Set the tone in the building.
- Demonstrate a working knowledge of assessment accommodations, including guidelines for decision making, and reporting practices.
- Support the implementation process, including developing a plan, designing staff training, ensuring parent involvement, and overseeing logistics.

Tools provided in the section include a logistics checklist, frequently asked questions (from both parents and teachers), and parent pamphlets (versions in English and Spanish) that may be duplicated and sent home.

Possible Uses: The toolkit is designed for use by in variety of ways:

- **Self-study**. Individuals may use the materials to learn and enhance their knowledge base.
- **Team study**. Individuals in both informal and formal team meetings—including IEP teams, subject area department teams, school improvement teams, teacher collegial work groups, professional development study groups—may use the materials to enhance and extend

their knowledge about assessment accommodations.

- **Staff meetings**. Administrators, special educators, or related service providers may share the materials with colleagues, parents, and other stakeholders.
- **Inservice and preservice professional development sessions**. Staff developers, workshop leaders, and teacher educators may use the materials to develop presentations and training sessions.

Suggestions for using the document to assist individuals in demonstrating leadership are found in the following Information Builders.

INFORMATION BUILDER L.n

Review Logistics

Figure 3E in the toolkit presents a logistics checklist. First, review the checklist for completeness and add any necessary tasks. Next, consider how each task on the checklist will be implemented. For example, in some cases the task may be appropriately delegated to another staff member or referred to a special task force or committee for discussion and planning. If working as a team, make an action plan for ensuring each task is handled.

As a variation, use a calendar to plot the start and completion of each task. It may help to work backward from the actual testing dates scheduled for the school district.

INFORMATION BUILDER L.o

Am I Familiar with These Accommodations?

View the video. Encourage participants to note familiar accommodations and unfamiliar ones. For those accommodations that are new, encourage participants to review descriptions found on pages 31-56 of the toolkit.

As a variation, before watching the video, ask participants to list as many accommodations as they can. This can be done either as a large group, independently, or with a partner. Encourage them to check off each accommodation they have listed as it appears in the video. If an accommodation does not appear in the video, discuss it using the following focus questions:

- Describe the accommodation. What student need does it serve?
- Does it fall within one of the common categories of accommodations (e.g., timing, scheduling, setting, presentation, response)? If so, is it a variation of another accommodation?
- How is the accommodation implemented?
- Are there special considerations when using it?
- Are there any cautions to be taken into account when considering using it?

INFORMATION BUILDER L.p

Involving Parents

As members of the IEP team, parents play an important role in determining the use of assessment accommodations for their child. They need a thorough understanding of, as well as an opportunity to contribute to, decisions. After discussing the information in the toolkit related to parent involvement, ask group members to reflect on practices currently in place in their school for ensuring the meaningful involvement of parents in such decisions. If working with a large group, it may be helpful for participants to form subgroups. Provide time for the group to discuss ways that their practices may be improved upon. Before concluding, groups should identify at least one-three strategies that they want to implement immediately to enhance parent participation.

As a variation, invite a panel of parents to describe their information needs and how their participation might be supported. Or, if a parent is not present in the group, ask each group member to interview one-three parents about their information needs and report back to the group.

INFORMATION BUILDER L.q

Practice Responding to Questions

Figure 3G in the toolkit section presents frequently asked questions from teachers and parents and possible responses. If working independently or on a team, answer the question before reading the response. Check your response with the one that is provided. If your response differs significantly from the one provided, it may prove useful to review the IDEA Regulations (available on the ASPIIRE/ILIAD web site at **www.ideapractices.org** or on the ***Discover IDEA CD 2002***) and determine if your answer can be substantiated in the law.

If you are working with a group, the questions and answers may be used as a basis for role plays. Ask participants to identify typical situations in which these questions may arise—staff meetings, one-on-one informal and formal meetings, presentations to the community, phone conversations with parents, IEP team meetings, etc. Select one, and prepare a scenario (e.g., a parent asks a question during Back-to-School Night). In preparation for the role play, consider giving participants an opportunity to study the provisions reflected in the answers (e.g., search the law on the ***Discover IDEA CD 2002***).

As a variation, ask participants to generate a list of questions about making assessment accommodations for students with disabilities that they are typically asked. Compare their questions to those presented. For those not included in the guide, encourage participants to prepare answers that have a grounding in the regulations. For this activity, have available the ***Discover IDEA CD 2002***, access to the ASPIIRE/ILIAD web site (**www.ideapractices.org**), or a hard copy of the regulations.

Prevention Research and the IDEA Discipline Provisions: A Guide for School Administrators ☒

Author: U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS)

Publication Date: 2001

Published By: Washington, DC: OSERS

Available From: To view the full text, go online to the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**

Format: Eight-page guide comprised of bulleted lists; includes letter from OSERS.

Brief Description: The stated purpose of this document is to provide school administrators with information about what works to create safe, effective learning environments for all children. It also seeks to clarify some common misunderstandings about what schools can do in those rare instances in which a child with a disability threatens the safe school environment. The guide is organized in bulleted lists according to the following topics:

- The challenge.
- Impact of the challenge.
- A systematic solution.
- Positive behavioral support.
- Data supported evidence for whole school interventions.
- What administrators are saying.
- Legal requirements under the law.
- Resources.

Possible Uses: The guide is designed as a quick summary of important facts for administrators. It also may be used as a discussion guide when sharing information about prevention and creating safe learning environments with other stakeholders. For a more complete discussion of the bulleted lists in this document, you are encouraged to review the document: Sugai, G., Horner, R., Dunlap, G., Hieneman, M., Lewis, T., Nelson, C.M., Scott, T., Liaupsin, C., Sailor, W., Turnbull, A., Turnbull, H.R., Wickham, D., Ruef, M., & Wilcox, B. (1999). ***Applying positive behavioral support and functional behavioral assessment in schools***. Eugene, OR: Center on Positive Behavioral Interventions and Support. [Available from: Center on Positive Behavioral Interventions and Support, Behavioral Research and Training, 5262 University of Oregon, Eugene, OR 97403, 541-346-2505, **www.pbis.org**.]

If working within a professional development context (e.g., a staff meeting, a planning group, workshop), consider the following Information Builders.

INFORMATION BUILDER L.r

Conversation Starters

Use the first two sections to stimulate discussion. For example, ask participants, "What challenges do you face in creating safe, effective, and orderly learning environments?" and "How does negative behavior impact schools?" After discussing each, summarize using the points found in the document (see **Appendix L-13** and **Appendix L-14** for transparency masters). Ask participants to comment on individual items.

INFORMATION BUILDER L.s

True or False?

Show the statements in **Appendix L-15** and ask participants to determine if they are true or false. (Note: They are all true.) Discuss reactions. Use this discussion as a segue into a presentation focused on the information in the document.

INFORMATION BUILDER L.t

Where Is This In The Regulations?

Procedural considerations are listed on page 6 of the document (see **Appendix L-16** for an activity sheet). Engage participants in an activity in which, working in small groups, they find and read the accompanying regulation. For this activity, use a printed version of the regulations, or make available the use of the **Discover IDEA CD 2002** or ASPIIRE/ILIAD web site at **www.ideapractices.org**. Direct participants to the following regulations: 34 C.F.R. §§ 330.121 and 300.519-529.

INFORMATION BUILDER L.u

Schoolwide Approaches

Share the information in the document about schoolwide responses to prevention (pages 3-5). Ask participants to share information about schoolwide prevention strategies in their schools and districts. Invite them to compare the approaches described with the set of characteristics on page 3 (see **Appendix L-17**). For additional information, review the document:

> U.S. Department of Education, Office of Special Education Programs (OSEP) (no date). ***Schoolwide approaches to behavior***. Washington, DC: OSEP.
>
> This two-page fact sheet describes key practice principles of schoolwide approaches. Available: Download from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**. Or link to it from the ASPIIRE/ILIAD web site at **www.ideapractices.org**. It also is available on the ***Discover IDEA CD 2002*** by going to OSEP Documents.

Let's Team Up! A Checklist for Paraeducators, Teachers, and Principals

Author: Gerlach, K.

Publication Date: 2001

Published By: Washington, DC: National Education Association

Format: Small booklet.

Available From: NEA, 1201 16th Street, NW, Washington, DC 20036, 800-229-4200 (toll free), www.nea.org

Brief Description: The purpose of the checklist is to help paraeducators, teachers, and principals understand their roles and responsibilities as they relate to each other. The checklist can be used as a handbook by individuals or as an instructional guide in team meetings, staff development workshops, and preservice training. The booklet has five main sections:

- The role of paraeducators.
- The role of teachers.
- The role of principals.
- A winning team.
- The resources section.

Possible Uses: This booklet makes a quick reference guide for teams on which paraeducators serve. Suggestions for using the document to assist individuals in demonstrating leadership are found in the following Information Builders.

INFORMATION BUILDER L.v

Planning Teams

IDEA provides for the appropriate training and supervision of paraeducators. The main purpose of the booklet is to help schools meet those provisions. If working with a planning team, have each person review the responsibilities associated with their own role. Ask participants to share with the entire group what they have learned about their responsibilities. Discuss how these responsibilities may be incorporated into a plan for including paraeducators on instructional teams.

INFORMATION BUILDER L.w

Compare Responsibilities

Compare the responsibilities found in this booklet with those presented in another relevant document:

> Pickett, A. (1999). ***Strengthening and supporting teacher/provider-paraeducator teams: Guidelines for paraeducator roles, supervision, and preparation***. New York: National Resource Center for Paraprofessionals in Education and Related Services, Center for Advanced Study in Education, City University of New York. [To find out availability of the document, go to the ASPIIRE/ILIAD web site at **www.ideapractices.org**.]

Discuss how the standards in the Pickett document compare to the responsibilities cited in the Gerlach (2001) document.

Technology for Students with Disabilities: A Decision Maker's Resource Guide

Author: National School Boards Association (NSBA) & the U.S. Department of Education, Office of Special Education Programs (OSEP)

Publication Date: 1997

Published By: Alexandria, VA: National School Boards Organization

Available From: NSBA, 1680 Duke Street, Alexandria, VA 22314, 703-838-6722

Format: 100+ page print soft cover book. To request the document (ISBN# 0-88364-207-7) in an alternate format, contact the Alternate Format Center, Office of Special Education and Rehabilitation Services, U.S. Department of Education at 202-205-8113 or 202-855-1000 (TTY).

Brief Description: The guide provides answers to commonly asked questions concerning technology and the education of children with disabilities. The book is organized by the following chapters:

- **Supporting teaching and learning with technology**. This chapter provides school leaders with examples of how technology may help children participate and progress in the curriculum. It includes descriptions of how technology may provide students with disabilities access to participation in classrooms, help them master basic skills, and support them in learning complex material. It also describes how technology may make assessment and evaluation more precise and manageable.
- **Finding the right technology and paying for it**. This chapter provides school leaders with suggestions for funding needed technology.
- **Ensuring your investment pays off: policies that support technology implementation**. This chapter provides school leaders with a discussion of due process. It also reviews policies and procedures for establishing a team to develop and implement technology plans.
- **Resources for information and services**. This chapter offers a comprehensive listing of national and state organizations that provide technology assistance, state education agencies, information centers and clearinghouses, and researchers.

An appendix contains excerpts from different federal laws related to technology for individuals with disabilities.

Possible Uses: The guide was developed to provide practical information to individuals with decision making authority related to providing technology to students with disabilities. Suggestions for using the document to assist individuals in demonstrating leadership are found in the following Information Builders.

Build an Information Network

A number of resources are listed in Chapter 4 of the NSBA/OSEP guide. Most have web sites that you can visit. Become familiar with the following:

- **Technical Assistance Projects** (federally funded in all 50 states). Contact RESNA Technical Assistance Project at **www.resna.org** to learn more about these projects. Check out the listing for your state project beginning on page 37 of the guide.
- **Alliance for Technology Access** (nationwide network of nonprofit, community-based resource centers). Contact the Alliance for Technology Access Project at **www.ataccess.org** to learn more about these projects. Check out the listing for your state project beginning on page 37 of the guide.
- **State Education Agencies**. Beginning on page 49, state contacts are listed. Contact the ones in your state to find out information about the state's structure of technology support and state/local technology resources.

Develop a Funding Pond

In some circumstances, districts may draw upon alternative funding sources to pay for assistive technology devices or services for a child or family. Become familiar with the sources of potential funds—national, state, local, and private—as described in the chapter, "Where Does the Money Come From?" Conduct an inventory of funding sources in your school. Identify which sources are at the student level and which are at the school level. You may want to organize your data as a funding pond graphic (see page 22 of the NSBA/OSEP guide).

If working with a staff development group, consider using the following activity to help participants apply their understanding of funding ponds. After a brief discussion of funding sources, present the scenarios of Edward and of Ms. Jones (pages 21-22). Ask participants to draw the funding pond for each. Compare their responses with the ones provided by the authors on page 22 of the NSBA/OSEP guide.

A Long-Range Technology Plan

IDEA provides that IEP teams consider assistive technology devices and services for each student when developing his or her IEP. An IEP team's work is strengthened and streamlined when team members can draw from a technology plan in developing an IEP for a student. A technology plan is a blueprint of tools and services available for supporting teaching and learning.

Review the section in the guide (pages 26-32). Reflect on how such a plan might be implemented in your school or district (this may be done independently or as a small group). Consider the following questions to guide discussion:

- What are the advantages and disadvantages of having a planning committee for technology?
- How might a planning committee for technology be organized? Who might be asked to serve on it? How would you go about inviting team members from different stakeholder groups?
- What kinds of resources would such a team need to carry out a needs assessment and devise a [illegible]?
- [illegible]

Annotated Resources: IDEA Regulations

Numerous resources are available that explain or present the 1999 IDEA Regulations in lay language. These resources, which are usually written with a particular constituency in mind (e.g., parents, teachers), include questions and answers (Q&As), briefs, and memoranda. In most cases, their purpose is to present the regulations in an easy-to-read format, while still maintaining legal integrity. The following resources—some of which OSEP has reviewed for consistency with IDEA—may prove useful when discussing IDEA with staff members, parents, and other stakeholders. In addition, many make excellent handouts for distribution to parents, colleagues, and other stakeholders.

A Guide to the Individualized Education Program ☒

Author: U.S. Department of Education, Office of Special Education Programs (OSEP)

Publication Date: 2000

Published By: Washington, DC: Author

Available From: The document is available online at: www.ed.gov/offices/OSERS/OSEP/. Or, if you prefer a printed copy, you may contact Ed Pubs, Editorial Publications Center, U.S. Department of Education, P.O. Box 1398, Jessup, MD 20794, 877-4-ED-PUBS (toll free), 877-576-7734 (toll free TTY). The document may be downloaded from links on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. It also is found on the ***Discover IDEA CD 2002***.

Format: This 35-page guide is available in alternate formats (Braille, large print, audio cassette, or disk) by contacting: Director of the Alternate Format Center, 202-260-9895.

Brief Description: This guide explains the IEP process from development to implementation. It covers the following:

- How the IEP fits in with the basic special education process under IDEA.
- Contents of the IEP.
- IEP team members.
- Writing the IEP.
- Deciding placement.
- Implementing the IEP.
- Reviewing and revising the IEP.
- What to do when parents do not agree with the IEP.

The guide also provides a sample IEP that [illegible]

A User's Guide to the 1999 IDEA Regulations ☒

Author: Silverstein, R.

Publication Date: 1999

Published By: Washington, DC: Center for the Study and Advancement of Disability Policy

Available From: Document may be downloaded from the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Format: Fifty-six-page report.

Brief Description: This report offers a tool for understanding the major policies included in

IDEA (Federal Register, March 12, 1999). For each regulation in which there was a change from a previous regulation, the reader is told whether the change is a restatement, an addition, or an elaboration. The guide also highlights basic sources of changes in the regulations, including:

- References to the new statute. The guide states whether the regulation has been changed, and if so, to what extent.
- References to the legislative history.
- Existing policy interpretations that are set out in notes, correspondence, or policy memos.

This document is designed as a reference guide for understanding IDEA.

An Overview of the Individuals with Disabilities Education Act Amendments of 1997 (P.L. 105-17): Update 1999

Author: Knoblauch, B. & McLane, K.

Publication Date: June 1999

Published By: Arlington, VA: ERIC Clearinghouse on Disabilities and Gifted Education

Available From: ERIC Clearinghouse on Disabilities and Gifted Education, Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 800-328-0272 (toll free), **www.ericec.org**.

Format: Two-page digest.

Brief Description: This ERIC Digest (#576) looks briefly at the impact of IDEA on special education practice. Topics include provisions in the following areas:

- Outcomes and standards.
- Evaluations and curriculum.
- Procedural safeguards.
- Discipline.
- Early intervention and preschool services.
- Teacher training and preparation.

The digest may be used as a handout (e.g., distributed during professional development sessions; or sent with mailings such as newsletters).

Clarification of the Role of the IEP Team in Selecting Individual Accommodations, Modifications in Administration, and Alternate Assessments for State and District-Wide Assessments of Student Achievement

Authors: Cohen, M. & Heumann, J.

Publication Date: January 12, 2001

Published By: Washington, DC: U.S. Department of Education, Office of Special Education Programs (OSEP)

Available From: Download from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP**. Also available on the NICHCY web site **www.nichcy.org**.

Format: Three-page memorandum.

Brief Description: This memorandum from OSEP—which was addressed to Chief State School Officers, State Directors of Special Education, State Assessment Directors, and State Title I Directors—discusses the role of the IEP team in selecting accommodations and modifications in administration that an individual may need when participating in State or district-wide assessments. It also discusses the role of IEP team members concerning alternate assessments.

The memorandum confirms the IEP team's authority under IDEA to select individual accommodations and modifications in administration needed for a child with a disability to participate in State and district-wide assessments of student achievement. It also confirms that if the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), the IEP team states how the child will be assessed. Among the other statements found in the memorandum, the following are of particular interest to practitioners:

- Neither the State Education Agency (SEA) nor Local Education Agency (LEA) limit the authority of the IEP team to select individual accommodations and modifications in administration needed for the child to participate in the State or district-wide assessment.
- It is possible for an IEP team to select individual accommodations or modifications in administration that produce scores that are deemed invalid under State or local policies for purposes of reporting, accountability, or determining student benefits such as promotion or high school diploma.
- The LEA and SEA can provide guidelines and training to assist IEP team members in making informed decisions.

Discover IDEA CD 2002 ☒

Author: Produced by the IDEA Partnership Projects, Education Development Center, Western Regional Resource Center at the University of Oregon, & National Information Center for Children and Youth with Disabilities

Publication Date: 2002

Published By: Arlington, VA: Council for Exceptional Children

Available From: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Format: CD-ROM

Brief Description: This CD provides information on the Individuals with Disabilities Education Act of 1997 to educators, related services providers, parents, advocates, administrators, and policymakers who strive for quality education for all children. Contents of this CD include:

- The Individuals with Disabilities Education Act (P.L. 105-17).
- Complete Final Regulations and analysis of comments taken verbatim from the Federal Register of March 12, 1999.
- Additional 34 C.F.R. Part 300 materials. Administrators may be particularly interested in the document, ***IDEA-Part B Final Regulations: Provisions of Special Interest to Administrators*** (March 1999), which describes the changes made to the IDEA Part B final regulations (including certain items that have been retained, modified, or added since publication of the NPRM).
- Selected Annual Reports to Congress on the Implementation of the Individu-

als with Disabilities Education Act.

- Training materials, including letters of clarification from OSEP.
- A list of IDEA-related publications that have been reviewed by OSEP for consistency with IDEA and its regulations.
- Contact information for U.S. Department of Education, Office of Special Education Programs funded centers, institutes, labs, and partnerships.

IDEA Amendments of 1997: News Digest ☒

Author: National Information Center for Children and Youth with Disabilities (NICHCY)

Publication Date: 1998

Published By: Washington, DC: Author

Available From: Download from NICHCY web site at www.nichcy.org. Or contact NICHCY at P.O. Box 1492, Washington, DC 20013, 800-695-0285 (toll free voice or TTY).

Format: 40-page digest.

Brief Description: This News Digest looks in detail at the major changes that have taken place in the IDEA. To help individuals see some of the major areas where the IDEA has changed and where it has remained essentially the same, selected information is presented in a side-by-side analysis of the previous law with the current law.

IDEA 1997 General Overview Questions and Answers ☒

Author: U.S. Department of Education, Office of Special Education (OSEP)

Publication Date: 1999

Published By: Washington, DC: Author

Available From: The document can be downloaded from the ASPIIRE/ILIAD web site at **www.ideapractices.org**. It also is available on ***Discover IDEA CD 2002***.

Format: Four-page document.

Brief Description: OSEP answers nine frequently asked questions (FAQ) about the requirements of IDEA, including:

- How will the new law help children with disabilities reach higher levels of achievement?
- What about parents? How are parents involved in decisions about their child's education?
- Will more children with disabilities be placed in regular classroom settings under the law?
- How does the law change the roles and responsibilities of regular classroom teachers?
- How will IDEA prevent inappropriate placements for minority children?
- How will this law help school districts meet the costs of special education?
- How does IDEA promote safe, well-disciplined schools?
- How does the law affect infants, toddlers, and preschoolers with disabilities?
- Will these changes and new requirements affect the number of lawsuits and due process hearings by parents and legal bills for school districts?

IDEA Requirements for Preschoolers with Disabilities: IDEA Early Childhood Policy and Practice Guide ☒

Author: Walsh, S., Smith, B., & Taylor, R.

Publication Date: 2000

Published By: Arlington, VA: Division for Early Childhood [DEC] of the Council for Exceptional Children

Available From: The document is available in html and PDF formats at the web site **www.ideapractices.org**. A printed version may be ordered from the Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Format: Fifty-two-page print document, available with soft cover.

Brief Description: This guide assists early childhood general educators, early childhood special educators, related service providers, parents, administrators, and others in understanding what IDEA now requires for young children with disabilities ages birth through five years and their families. Throughout the guide, practice and resource recommendations from DEC are offered. Topics include:

- Identification, evaluation, and eligibility.
- Special education and related services.
- Individualized Education Program or Individualized Family Services Plan (IFSP).
- Least restrictive environment.
- Procedural safeguards.
- Challenging behavior. [*Note*: As an added benefit, a pull-out guide is presented that lists IDEA Part B provisions related to challenging behavior.]
- Accountability.

IDEA Requirements for Preschoolers with Disabilities: Challenging Behavior ☒

Author: Walsh, S., Smith, B., & Taylor, R.

Publication Date: 2000

Published By: Arlington, VA: The Division for Early Childhood of the Council for Exceptional Children

Availability: The document is electronically available in html and PDF formats on the ASPIRE/ILIAD web site at **www.ideapractices.org**. A printed version may be ordered from the Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Format: This 20-page guide is excerpted from: Walsh, S., Smith, B., & Taylor, R. (2000). *IDEA requirements for preschoolers with disabilities: IDEA early childhood policy and practice guide*. Arlington, VA: Division for Early Childhood of the Council for Exceptional Children. [See listing in Core Module.]

Brief Description: This brief guide excerpts the sections relevant to challenging behavior from the ***IDEA Early Childhood Policy and Practice Guide*** (see Core Module for description). The guide addresses the IDEA discipline provisions under Part B as they relate to children ages three through five years old and their families, and at a state's direction, to two-year-old children with disabilities who will turn three during the school year. In addition, nonregulatory guidance and helpful suggestions are included in the document, as well as effective practice and resource recommendations from the Division for Early Childhood of the Council for Exceptional Children.

Individualized Education Programs: Briefing Paper ☒

Author: National Information Center for Children and Youth with Disabilities (NICHCY)

Publication Date: September 1999

Published By: Washington, DC: Author

Available From: Download from NICHCY web site at **www.nichcy.org**. Or contact NICHCY at P.O. Box 1492, Washington, DC 20013, 800-695-0285 (toll free voice or TTY).

Format: Self cover, 32-page briefing paper.

Brief Description: This paper covers the legal requirements for developing an IEP. Information is presented as questions and answers and is organized around the following topics:

- Involvement and progress of each child with a disability in the general education curriculum.
- Involvement of parents and students.
- Preparing students with disabilities for employment and other postschool experiences.
- Development and content of IEPs.

An appendix contains the verbatim regulations pertaining to IEPs.

Overview of the Major Discipline Provisions in the 1999 IDEA Regulations

Author: Silverstein, R.

Publication Date: May 1999

Published By: Washington, DC: Center for the Study and Advancement of Disability Policy at the George Washington University School of Public Health and Health Services

Available From: Download from the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Format: Eleven-page document.

Brief Description: This brief document summarizes the major provisions related to discipline and students with disabilities. The document describes:

- The authority of school personnel and others to remove a child with a disability from his or her current placement.
- When educational services must begin for a child with a disability.
- Functional behavior assessments and behavioral intervention plans.
- Manifestation determinations.
- Application of the stay put provision.

Parentally-Placed Students with Disabilities ☒

Author: Cernosia, A.

Publication Date: 2002

Published By: Urban Special Education Leadership Collaborative (USELC) & ILIAD Project

Available From: Download from the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Or order from ILIAD at the Council for Exceptional Children, 11130 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free).

Format: 40-page document, of which 20 pages are the text from an OSEP Memorandum: Warlick, K. (May 4, 2000). ***Questions and answers on obligations of public agencies in serving children with disabilities placed by their parents at private schools***. Washington, DC: U.S. Department of Education, Office of Special Education Programs (OSEP).

Brief Description: This brief document provides an overview of IDEA, its regulations, and relevant case law regarding parentally-placed students with disabilities in private schools. The article addresses the rights and responsibilities under IDEA in identifying and providing special education services to parentally-placed private school students with disabilities.

Questions and Answers About IDEA ☒

Author: National Information Center for Children and Youth with Disabilities (NICHCY)

Publication Date: January 2000

Published By: Washington, DC: Author

Available From: Download from the NICHCY web site at **www.nichcy.org**. Or contact NICHCY at P.O. Box 1492, Washington, DC 20013, 800-695-0285 (toll free voice and TTY).

Format: 28-page news digest report.

Brief Description: This News Digest (ND21, second edition) answers questions about IDEA. Topics include:

- Background information on IDEA.
- Purposes of IDEA.
- Accessing services.
- Individualized education program (IEP).
- Procedural safeguards.
- Resources.

Questions and Answers About Provisions in the Individuals with Disabilities Education Act of 1997 Related to Students with Disabilities and State and District-wide Assessments ☒

Author: Heumann, J., & Warlick, K.

Publication Date: August 24, 2000

Published By: Washington, DC: Office of Special Education and Rehabilitative Services (OSERS)

Available From: Download from a link on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Or, download from a link on the NICHCY web site at **www.nichcy.org**.

Format: 14-page question and answer memorandum.

Brief Description: This memo from OSEP to the State Directors of Special Education responds to frequently asked questions by educators and other stakeholders regarding the provisions in IDEA for including children with disabilities in State and district-wide assessments. Questions are sorted by the following topics:

- Accountability.
- IEP process.
- Parental permission.
- Accommodations and modifications.
- Alternate assessments.
- Out-of-level testing.
- Reporting.
- Monitoring.

Questions Often Asked By Parents About Special Education Services ☒

Author: National Information Center for Children and Youth with Disabilities (NICHCY)

Publication Date: 1999

Published By: Washington, DC: NICHCY

Available From: Download from the NICHCY web site at **www.nichcy.org**. Or contact NICHCY at P.O. Box 1492, Washington, DC 20013, 800-695-0285 (toll free voice and TTY).

Format: 12-page briefing paper.

Brief Description: This document presents a series of questions that parents often ask about special education services. The questions and answers are organized into the following categories:

- General special education.
- Evaluation.
- Eligibility for special education and related services.
- Writing an IEP.
- Re-evaluation.
- Other questions (e.g., due process, accountability).

Leadership: Resource Guides

The topic of leadership is very broad. In the context of sharing information about leadership, related topics may arise. Individuals may have particular information needs related to specific provisions in IDEA.

The Resource Guides are organized according to the following framework:

- **Brief Description of the Topic**. Use this section to orient yourself to how the Resource Guide topic is related to supporting achievement for students with disabilities and IDEA.
- **What the Law Says**. Use this section to locate IDEA Regulations related to the Resource Guide topic. [*Note*: Only portions of the regulations are provided here for your convenience.]
- **What Research Says**. Use this section to obtain a summary of the research and, if appropriate, information generated by experts who are working in the area on the resource guide topic. The section presents a summary of research findings, followed by a list of references. These references are presented as complete citations in the last section, References. [*Note*: For information on the approach used to scan the research base, see the discussion in the Core Module.]
- **Relevant Materials**. Use this section to locate materials that address the Resource Guide topic. Some of the materials have been reviewed by OSEP for consistency with IDEA.
- **References and Resources**. Use the Reference section to find citations for all literature used in the Resource Guide. The Resources section contains selected web sites and organizations concerned primarily with the Resource Guide topic. [*Note*: In some cases, no resources are cited. This means that no site was identified as providing substantial information particular to the Resource Guide topic in the context of IDEA.]

The appendix contains several Resource Guides that direct users to more targeted information on selected topics:

- Mediation. [See **Appendix L-18**.]
- Funding. [See **Appendix L-19**.]
- Charter Schools. [See **Appendix L-20**.]

It is important to note that the topics chosen for discussion here are not all-inclusive. Indeed, many other topics related to leadership have relevance. As additional Resource Guides are developed, they will be posted on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Section 4: Connections to Web-Based Resources*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

Many web sites exist that connect users to new materials, resources, and information on leadership and IDEA. While many web sites that address the needs of children with disabilities exist, only those that provide relevant information related to IDEA and supporting achievement for children with disabilities have been chosen for inclusion in this section. In some cases, the site may only mention IDEA, while in others more substantive resources on the topic are available. Frequently, the sites refer users to other web sites related to the topic.

Often, documents referenced in ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** can be downloaded from a particular site. Become familiar with—maybe even bookmark—the sites that are referenced most frequently in this package. They include:

- **www.ideapractices.org**—home of the Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE) and the IDEA Local Implementation by Local Administrators Partnership (ILIAD) projects.
- **www.fape.org**—home of the Families and Advocates Partnership for Education (FAPE) project.
- **www.ideapolicy.org**—home of the Policymaker Partnership project.
- **www.ed.gov/offices/OSERS/OSEP/**—home of the U.S. Office of Special Education Programs (OSEP).
- **www.nichcy.org**—home of the National Information Center for Children and Youth with Disabilities (NICHCY).

This section presents selected web sites that address leadership and IDEA in more elaborate ways, such as:

- Offering an online document on the topic.
- Providing information on IDEA provisions.
- Linking to resources on IDEA.

Following are descriptions of web sites, along with suggestions for visiting them for the purpose of finding out more information on leadership and IDEA. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

American Association of School Administrators (AASA)

www.aasa.org

Housed At: 1801 North Moore Street, Arlington, VA 22209, 703-528-0700.

Brief Description: The AASA is an international organization whose aim is to develop and support school system leaders. Their focus includes improving the condition of children and youth, preparing schools and school systems for the 21st century, connecting schools and communities, and enhancing the quality and effectiveness of school leaders. Resources include: Leadership News Online and the Schools for the 21st Century collection.

Council of Administrators of Special Education (CASE)

www.casecec.org

Housed At: CASE is a division of the Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 800-224-6830.

Brief Description: CASE is a membership organization that provides leadership and support to members by shaping policies and practices which impact the quality of education. The web site contains statements, legal updates, position papers, and links to related web sites.

Council of Chief State School Officers (CCSSO)

www.ccsso.org

Housed At: One Massachusetts Avenue, NW, Suite 700, Washington, DC 20001-1431, 202-408-5505.

Brief Description: CCSSO is a nonprofit organization composed of public officials who lead the departments responsible for elementary and secondary education in the states, the U.S. extra-state jurisdictions, the District of Columbia, and the Department of Defense Education Activity. The web site includes priorities and policy statements, publications, and news releases. Also included on the web site is information related to its special education initiative.

National Association of Elementary School Principals (NAESP)

www.naesp.org

Housed At: 1615 Duke Street, Alexandria, VA 22314, 800-386-2377.

Brief Description: NAESP provides advocacy and support for principals in grades K-8. Check out the award-winning magazine, ***Principal***, as well as other relevant articles and products. The site also has a networking page for sharing and gaining information from other principals, links to research, and grant information.

National Association of Secondary School Principals (NASSP)

www.principals.org

Housed At: 1904 Association Drive, Reston, VA 20191, 800-253-7746.

Brief Description: NASSP provides curriculum and professional development support for principals in middle and high schools. Resources include: ***Secondary Schools in a New Millennium: Demographic Certainties, Social Realities***, and ***Breaking Ranks: Changing an American Institution***.

National Center on Educational Outcomes (NCEO)

www.coled.umn.edu/NCEO

Housed At: University of Minnesota, 350 Elliott Hall, 75 East River Road, Minneapolis, MN 55455, 612-624-8561.

Brief Description: The National Center on Educational Outcomes (NCEO) provides national leadership in the identification of outcomes, indicators, and assessments to monitor educational results for all students, including students with disabilities. This site contains publications, networking resources, and technical assistance related to all aspects of helping students with disabilities participate in State and district-wide assessments with accommodations and modifications, as appropriate, in accountability systems, and in educational reform efforts.

National Clearinghouse for Professions in Special Education (NCPSE)

www.special-ed-careers.org

Housed At: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 800-641-7824 (toll free), 866-915-5000 (TTY toll free).

Brief Description: This OSEP-funded center is committed to enhancing the nation's capacity to recruit, prepare, and retain well-qualified diverse educators and related service personnel for children with disabilities. The site contains many resources, including:

- Links to organizations concerned with recruitment and retention.
- Reports and documents (e.g., *How Many Qualified Teachers Are Needed for Students with Disabilities?*; Connections newsletter; presentations by NCPSE staff).
- Research library that contains facts, figures, and tools for educational leadership.

Project FORUM

www.nasdse.org/forum.htm

Housed At: National Association of State Directors of Special Education (NASDSE), 1800 Diagonal Road, Suite 320, Alexandria, VA 22314, 703-519-3800, 703-519-7008 (TTY).

Brief Description: This project provides information on emerging issues and studies of critical issues. The site contains a library of state policy documents. Click on Upcoming Events & New Documents to take a look at the following items:

- Statewide behavior initiatives.
- Special education issues in caseload/ class size.

SPeNSE Project

www.spense.org

Housed At: Westat, 1650 Research Blvd., Rockville, MD 20850, 800-239-0891.

Brief Description: The OSEP-funded Study of Personnel Needs in Special Education (SPeNSE) is designed to address concerns about nationwide shortages in the number of personnel serving students with disabilities and the need for improvement in the qualifications of those employed. SPeNSE examines the extent to which personnel are adequately prepared to serve students with disabilities, variation in personnel preparation, and factors that explain such variation. The web site contains a number of documents and research summaries (e.g., paraeducators, working conditions).

Urban Special Education Leadership Collaborative (USELC)

http://www.edc.org/collaborative/

Housed At: Education Development Center, Inc., 55 Chapel Street, Newton, MA 02158, 617-969-7100, 617-964-5448 (TTY).

Brief Description: USELC is a network of special education leaders from the nation's urban school districts. The Collaborative links administrators from 79 school districts through conferences, newsletters, and professional development opportunities. USELC's newsletter, ***Urban Perspectives***, may be accessed on the web site.

Western Regional Resource Center (WRRC)

http://interact.uoregon.edu/wrrc/wrrc.html

Housed At: 1268 University of Oregon, Eugene, OR 97403, 541-346-5641, 541-346-0367 (TTY).

Brief Description: In WRRC is an OSEP-funded project that provides technical assistance to State education agencies and Part C lead agencies. In an effort to create a searchable index of OSEP-supported Internet information resources, WRRC has compiled information to assist educational leaders in understanding State Improvement Plans, State Improvement Grants, and the Comprehensive System of Personnel Development. In addition, WRRC links to resources and other organizations concerned with IDEA.

Section 5: Connections to References*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

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Appendix L-1

Individualized Education Program (IEP)

IDEA Regulations Related To Supporting Achievement for Students with Disabilities

The school's curriculum and instructional program will affect the ease with which leaders implement legal requirements and sound practices related to educating students with disabilities. Leadership is needed to ensure that all resources required to support the instructional services are identified and acquired. This includes making sure that all stakeholders are committed to the concept that all children can learn, though not necessarily in the same way or at the same speed. Leaders should educate the public to the fact that this does not mean lowering standards.

IDEA provides guidance on how to provide effective instructional services for children with disabilities. Leaders must be knowledgeable about such approaches and see to it that all service providers, family members, and policymakers are fully prepared to implement them.

IDEA strengthens the role of the IEP as the cornerstone of educational programming for children with disabilities. Provisions formalize the regular education teacher's role in developing the IEP and increase parent participation. Critical support areas (e.g., assistive technology, positive behavior support) are identified and provisions ensure that these are considered for each child as part of the IEP development process. Transition requirements are enhanced, as are requirements for ensuring that children participate and progress in the general education curriculum. [*Note*: Only portions of the regulations are provided here for your convenience.]

Appendix L-1, continued

How does IDEA define an IEP?

34 C.F.R. §300.340—Definition of an IEP.

(a) Individualized education program. As used in this part, the term individualized education program or IEP means a written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.341-300.350.

(b) Participating agency. As used in §300.348, participating agency means a State or local agency, other than the public agency responsible for a student's education, that is financially and legally responsible for providing transition services to the student.

(Authority: 20 U.S.C. 1401(11), 1412(a)(10)(B))

What is the responsibility of SEA and other public agencies for IEPs?

34 C.F.R. §300.341—Responsibility of SEA and other public agencies for IEPs.

(a) The SEA shall ensure that each public agency—

(1) Except as provided in §§300.450-300.462, develops and implements an IEP for each child with a disability served by that agency; and

(2) Ensures that an IEP is developed and implemented for each eligible child placed in or referred to a private school or facility by the public agency.

(b) Paragraph (a) of this section applies to—

(1) The SEA, if it is involved in providing direct services to children with disabilities, in accordance with §300.370(a) and (b)(1); and

(2) Except as provided in §300.600(d), the other public agencies described in §300.2, including LEAs and other State agencies that provide special education and related services either directly, by contract, or through other arrangements.

(Authority: 20 U.S.C. 1412(a)(4), (a)(10)(B))

When must IEPs be in effect?

34 C.F.R. §300.342—When IEPs must be in effect.

(a) General. At the beginning of each school year, each public agency shall have an IEP in effect for each child with a disability within its jurisdiction.

(b) Implementation of IEPs. Each public agency shall ensure that-

Appendix L-1, continued

(1) An IEP—

(i) Is in effect before special education and related services are provided to an eligible child under this part; and

(ii) Is implemented as soon as possible following the meetings described under §300.343;

(2) The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and

(3) Each teacher and provider described in paragraph (b)(2) of this section is informed of-

(i) His or her specific responsibilities related to implementing the child's IEP; and

(ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

(c) IEP or IFSP for children aged 3 through 5.

(1) In the case of a child with a disability aged 3 through 5 (or, at the discretion of the SEA a 2-year-old child with a disability who will turn age 3 during the school year), an IFSP that contains the material described in section 636 of the Act, and that is developed in accordance with §§ 300.341-300.346 and §§300.349-300.350, may serve as the IEP of the child if using that plan as the IEP is-

(i) Consistent with State policy; and

(ii) Agreed to by the agency and the child's parents.

(2) In implementing the requirements of paragraph (c)(1) of this section, the public agency shall—

(i) Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and

(ii) If the parents choose an IFSP, obtain written informed consent from the parents.

(d) Effective date for new requirements. All IEPs developed, reviewed, or revised on or after July 1, 1998 must meet the requirements of §§300.340-300.350.

(Authority: 20 U.S.C. 1414(d)(2)(A) and (B), Pub. L. 105-17, sec. 201(a)(2)(A), (C))

What are the requirements for initiating and conducting a meeting for the purposes of developing, reviewing, or revising IEPs?

34 C.F.R §300.343—IEP meetings.

(a) **General.** Each public agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability (or, if consistent with §300.342(c), an IFSP).

(b) Initial IEPs; provision of services.

Appendix L-1, continued

(1) Each public agency shall ensure that within a reasonable period of time following the agency's receipt of parent consent to an initial evaluation of a child-

(i) The child is evaluated; and

(ii) If determined eligible under this part, special education and related services are made available to the child in accordance with an IEP.

(2) In meeting the requirement in paragraph (b)(1) of this section, a meeting to develop an IEP for the child must be conducted within 30-days of a determination that the child needs special education and related services.

(c) **Review and revision of IEPs**. Each public agency shall ensure that the IEP team-

(1) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

(2) Revises the IEP as appropriate to address -

(i) Any lack of expected progress toward the annual goals described in §300.347(a), and in the general curriculum, if appropriate;

(ii) The results of any reevaluation conducted under §300.536;

(iii) Information about the child provided to, or by, the

parents, as described in §300.533(a)(1);

(iv) The child's anticipated needs; or

(v) Other matters.

(Authority: 20 U.S.C. 1413(a)(1), 1414(d)(4)(A))

Who serves on the IEP team?

34 C.F.R. §300.344—The IEP team.

(a) **General**. The public agency shall ensure that the IEP team for each child with a disability includes—

(1) The parents of the child;

(2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

(3) At least one special education teacher of the child, or if appropriate, at least one special education provider of the child;

(4) A representative of the public agency who -

(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

(ii) Is knowledgeable about the general curriculum; and

(iii) Is knowledgeable about the availability of resources of the public agency;

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(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of this section;

(6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(7) If appropriate, the child.

(b) **Transition services participants**.

(1) Under paragraph (a)(7) of this section, the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of-

(i) The student's transition services needs under §300.347(b)(1); or

(ii) The needed transition services for the student under §300.347(b)(2); or

(iii) Both.

(2) If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered.

(3)

(i) In implementing the requirements of §300.347(b)(2), the public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

(ii) If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

(c) **Determination of knowledge and special expertise**. The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section shall be made by the party (parents or public agency) who invited the individual to be a member of the IEP.

(d) **Designating a public agency representative**. A public agency may designate another public agency member of the IEP team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.

(Authority: 20 U.S.C. 1401(30), 1414(d)(1)(A)(7), (B))

What is the public agency's responsibility in ensuring parent participation in the IEP?

34 C.F.R. §300.345—Parent participation on the IEP team.

(a) **Public agency responsibility-general**. Each public agency shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including—

(1) Notifying parents of the meeting early enough to ensure that they will have an

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opportunity to attend; and

(2) Scheduling the meeting at a mutually agreed on time and place.

(b) **Information provided to parents.**

(1) The notice required under paragraph (a)(1) of this section must-

(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

(ii) Inform the parents of the provisions in §300.344(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child).

(2) For a student with a disability beginning at age 14, or younger, if appropriate, the notice must also-

(i) Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in §300.347(b)(1); and

(ii) Indicate that the agency will invite the student.

(3) For a student with a disability beginning at age 16, or younger, if appropriate, the notice must—

(i) Indicate that a purpose of the meeting is the consideration of needed transition services for the student required in §300.347(b)(2);

(ii) Indicate that the agency will invite the student; and

(iii) Identify any other agency that will be invited to send a representative.

(c) **Other methods to ensure parent participation.** If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) **Conducting an IEP meeting without a parent in attendance.** A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its attempts to arrange a mutually agreed on time and place, such as—

(1) Detailed records of telephone calls made or attempted and the results of those calls;

(2) Copies of correspondence sent to the parents and any responses received; and

(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(e) **Use of interpreters or other action, as appropriate.** The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

(f) **Parent copy of child's IEP.** The public agency shall give the parent a copy of the child's IEP at no cost to the parent.

(Authority: 20 U.S.C. 1414(d)(1)(B)(i))

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What must an IEP team consider when developing, reviewing, and/or revising an IEP?

34 C.F.R. §300.346—Development, review, and revision of an IEP.

(a) Development of IEP.

(1) General. In developing each child's IEP, the IEP team, shall consider—

(i) The strengths of the child and the concerns of the parents for enhancing the education of their child;

(ii) The results of the initial or most recent evaluation of the child; and

(iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

(2) Consideration of special factors. The IEP team also shall—

(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

(ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

(iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

(v) Consider whether the child requires assistive technology devices and services.

(b) Review and Revision of IEP. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider the factors described in paragraph (a) of this section.

(c) Statement in IEP. If, in considering the special factors described in paragraphs (a)(1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.

(d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of-

(1) Appropriate positive behavioral interventions and strategies for the child; and

(2) Supplementary aids and services, program modifications or supports for school personnel

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that will be provided for the child, consistent with 300.347(a)(3).

(e) Construction. Nothing in this section shall be construed to require the IEP team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.

(Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

What must be contained in an IEP?

34 C.F.R. §300.347—Content of IEP.

(a) **General**. The IEP for each child with a disability must include-

(1) A statement of the child's present levels of educational performance, including—

(i) How the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled children); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to—

(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities; and

(ii) Meeting each of the child's other educational needs that result from the child's disability;

(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child-

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

(4) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(3) of this section;

(5)

(i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and

(ii) If the IEP team determines that the child will not participate in a particular State or

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district-wide assessment of student achievement (or part of an assessment), a statement of—

(A) Why that assessment is not appropriate for the child; and

(B) How the child will be assessed;

(6) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

(7) A statement of -

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—

(A) Their child's progress toward the annual goals; and

(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

(b) **Transition services.** The IEP must include—

(1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and

(2) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

(c) **Transfer of rights.** In a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.

(d) **Students with disabilities convicted as adults and incarcerated in adult prisons.** Special rules concerning the content of IEPs for students with disabilities convicted as adults and incarcerated in adult prisons are contained in §300.311(b) and (c).

(Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6)(A)(ii))

What are an agency's responsibilities for transition services?

34 C.F.R. §300.348—Agency responsibilities for transition services.

(a) If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with §300.347(b)(1), the public agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

(b) Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

(Authority: 20 U.S.C. 1414(d)(5); 1414(d)(1)(A)(vii))

What is required with regard to the IEP for a child who is referred or placed in a private school or facility by a public agency?

34 C.F.R. §300.349—Private school placements by public agencies.

(a) Developing IEPs.

(1) Before a public agency places a child with a disability in, or refers a child to, a private school or facility, the agency shall initiate and conduct a meeting to develop an IEP for the child in accordance with §§300.346 and 300.347.

(2) The agency shall ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, the agency shall use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.

(b) Reviewing and revising IEPs.

(1) After a child with a disability enters a private school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the private school or facility at the discretion of the public agency.

(2) If the private school or facility initiates and conducts these meetings, the public agency shall ensure that the parents and an agency representative—

(i) Are involved in any decision about the child's IEP; and (ii) Agree to any proposed changes in the IEP before those changes are implemented.

(c) Responsibility. Even if a private school or facility implements a child's IEP, responsibility for compliance with this part remains with the public agency and the SEA.

(Authority: 20 U.S.C. 1412(a)(10)(B))

Who is accountable for a child's IEP?

34 C.F.R. §300.350—IEP-Accountability.

(a) **Provision of services**. Subject to paragraph (b) of this section, each public agency must—

(1) Provide special education and related services to a child with a disability in accordance with the child's IEP; and

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(2) Make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

(b) **Accountability**. Part B of the Act does not require that any agency, teacher, or other person be held accountable if a child does not achieve the growth projected in the annual goals and benchmarks or objectives. However, the Act does not prohibit a State or public agency from establishing its own accountability systems regarding teacher, school, or agency performance.

(c) **Construction-parent rights**. Nothing in this section limits a parent's right to ask for revisions of the child's IEP or to invoke due process procedures if the parent feels that the efforts required in paragraph (a) of this section are not being made.

(Authority: 20 U.S.C. 1414(d)); Cong. Rec. at H7152 (daily ed., July 21, 1975))

If a child with a disability is incarcerated in an adult prison, how is his or her IEP modified?

34 C.F.R. §300.311—FAPE requirements for students with disabilities in adult prisons.

(a) Exception to FAPE for certain students. Except as provided in §300.122(a)(2)(ii), the obligation to make FAPE available to all children with disabilities does not apply with respect to students aged 18 through 21 to the extent that State law does not require that special education and related services under Part B of the Act be provided to students with disabilities who, in the last educational placement prior to their incarceration in an adult correctional facility-

(1) Were not actually identified as being a child with a disability under §300.7; and

(2) Did not have an IEP under Part B of the Act.

(b) Requirements that do not apply. The following requirements do not apply to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

(1) The requirements contained in §300.138 and §300.347(a)(5)(i) (relating to participation of children with disabilities in general assessments).

(2) The requirements in §300.347(b) (relating to transition planning and transition services), with respect to the students whose eligibility under Part B of the Act will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

(c) Modifications of IEP or placement.

(1) Subject to paragraph (c)(2) of this section, the IEP team of a student with a disability, who is convicted as an adult under State law and incarcerated in an adult prison, may modify the student's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

(2) The requirements of §§300.340(a) and 300.347(a) relating to IEPs, and 300.550(b) relating to LRE, do not apply with respect to the modifications described in paragraph (c)(1) of this section.

(Authority: 20 U.S.C. 1412(a)(1), 1414(d)(6))

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Appendix L-2

Least Restrictive Educational Environments

IDEA Regulations Related To Supporting Achievement for Students with Disabilities

Leaders must ensure that schools are responsive to the educational needs of all children. Responsiveness begins with ensuring that the school's beliefs, mission, and goals reflect all children in the school community. Children with disabilities must have opportunities to participate in the full range of school programs.

Leaders can look to guidance in IDEA for ensuring that the school program includes all children and interfaces with families. The least restrictive environment provision of IDEA provides that children with disabilities are to be educated with their nondisabled peers, to the maximum extent appropriate, and that special classes, separate schools, or other removal of children with disabilities from the regular educational environment occurs only when the nature or the severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved. 34 C.F.R. §300. 550(b). [*Note*: Only portions of the regulations are provided here for your convenience.]

What are related services?

34 C.F.R. §300.24—Related services.

(a) General. As used in this part, the term **related services** means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-

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language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

(b) **Individual terms defined**. The terms used in this definition are defined as follows:

(1) **Audiology** includes—

(i) Identification of children with hearing loss;

(ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

(iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;

(iv) Creation and administration of programs for prevention of hearing loss;

(v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and

(vi) Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(2) **Counseling services** means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(3) **Early identification and assessment of disabilities in children** means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

(4) **Medical services** means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

(5) **Occupational therapy**—

(i) Means services provided by a qualified occupational therapist; and

(ii) includes—

(A) Improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;

(B) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and

(C) Preventing, through early intervention, initial or further impairment or loss of function.

(6) **Orientation and mobility services**—

(i) Means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and

(ii) Includes teaching students the following, as appropriate:

(A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of

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travel (e.g., using sound at a traffic light to cross the street);

(B) To use the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;

(C) To understand and use remaining vision and distance low vision aids; and

(D) Other concepts, techniques, and tools.

(7) **Parent counseling and training** means—

(i) Assisting parents in understanding the special needs of their child;

(ii) Providing parents with information about child development; and

(iii) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

(8) **Physical therapy** means services provided by a qualified physical therapist.

(9) **Psychological services** includes—

(i) Administering psychological and educational tests, and other assessment procedures;

(ii) Interpreting assessment results;

(iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;

(iv) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations;

(v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and

(vi) Assisting in developing positive behavioral intervention strategies.

(10) **Recreation** includes—

(i) Assessment of leisure function;

(ii) Therapeutic recreation services;

(iii) Recreation programs in schools and community agencies; and

(iv) Leisure education.

(11) **Rehabilitation counseling services** means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

(12) **School health services** means services provided by a qualified school nurse or other qualified person.

(13) **Social work services in schools** includes—

(i) Preparing a social or developmental history on a child with a disability;

(ii) Group and individual counseling with the child and family;

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(iii) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;

(iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and

(v) Assisting in developing positive behavioral intervention strategies.

(14) **Speech-language pathology services** includes—

(i) Identification of children with speech or language impairments;

(ii) Diagnosis and appraisal of specific speech or language impairments;

(iii) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;

(iv) Provision of speech and language services for the habilitation or prevention of communicative impairments; and

(v) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

(15) **Transportation** includes—

(i) Travel to and from school and between schools;

(ii) Travel in and around school buildings; and

(iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

(Authority: 20 U.S.C. 1401(22))

What is special education?

34 C.F.R. §300.26—Special education.

(a) General.

(1) As used in this part, the term special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including-

(i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

(ii) Instruction in physical education.

(2) The term includes each of the following, if it meets the requirements of paragraph (a)(1) of this section:

(i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;

(ii) Travel training; and

(iii) Vocational education.

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(b) Individual terms defined. The terms in this definition are defined as follows:

(1) At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.

(2) Physical education—

(i) Means the development of—

(A) Physical and motor fitness;

(B) Fundamental motor skills and patterns; and

(C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and

(ii) Includes special physical education, adapted physical education, movement education, and motor development.

(3) Specially-designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—

(i) To address the unique needs of the child that result from the child's disability; and

(ii) To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

(4) Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to-

(i) Develop an awareness of the environment in which they live; and

(ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

(5) Vocational education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

(Authority: 20 U.S.C. 1401(25))

What are supplementary aids and services?

34 C.F.R. §300.28—Supplementary aids and services.

As used in this part, the term **supplementary aids and services** means, aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§300.550-300.556.

(Authority: 20 U.S.C. 1401(29))

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What is the State's responsibility for ensuring that children with disabilities are educated in the least restrictive environment?

34 C.F.R. §300.130—Least restrictive environment.

(a) **General**. The State must have on file with the Secretary procedures that ensure that the requirements of §§300.550-300.556 are met, including the provision in §300.551 requiring a continuum of alternative placements to meet the unique needs of each child with a disability.

(b) **Additional requirement**.

(1) If the State uses a funding mechanism by which the State distributes State funds on the basis of the type of setting where a child is served, the funding mechanism may not result in placements that violate the requirements of paragraph (a) of this section.

(2) If the State does not have policies and procedures to ensure compliance with paragraph (b)(1) of this section, the State must provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph.

(Authority: 20 U.S.C. 1412(a)(5))

What is the public agency's responsibility for ensuring parent involvement in placement decisions?

34 C.F.R. §300.501—Opportunity to examine records; parent participation in meetings.

(a) **General**. The parents of a child with a disability must be afforded, in accordance with the procedures of §§300.562- 300.569, an opportunity to—

(1) Inspect and review all education records with respect to—

(i) The identification, evaluation, and educational placement of the child; and

(ii) The provision of FAPE to the child; and

(2) Participate in meetings with respect to—

(i) The identification, evaluation, and educational placement of the child; and

(ii) The provision of FAPE to the child.

(b) **Parent participation in meetings**.

(1) Each public agency shall provide notice consistent with §300.345(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (a)(2) of this section.

(2) A meeting does not include informal or unscheduled conversations involving public

agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

(c) **Parent involvement in placement decisions.**

(1) Each public agency shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

(2) In implementing the requirements of paragraph (c)(1) of this section, the public agency shall use procedures consistent with the procedures described in §300.345(a) through (b)(1).

(3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency shall use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

(4) A placement decision may be made by a group without the involvement of the parents, if the public agency is unable to obtain the parents' participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement, including information that is consistent with the requirements of §300.345(d).

(5) The public agency shall make reasonable efforts to ensure that the parents understand, and are able to participate in, any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness, or whose native language is other than English.

(Authority: 20 U.S.C. 1414(f), 1415(b)(1))

What are the basic LRE requirements?

34 C.F.R. §300.550—General LRE requirements.

(a) Except as provided in §300.311(b) and (c), a State shall demonstrate to the satisfaction of the Secretary that the State has in effect policies and procedures to ensure that it meets the requirements of §§300.550-300.556.

(b) Each public agency shall ensure—

(1) That to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

(2) That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

34 C.F.R. §300.554—Children in public or private institutions.

Except as provided in §300.600(d), an SEA must ensure that §300.550 is effectively implemented, including, if necessary, making arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures).

(Authority: 20 U.S.C. 1412(a)(5))

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What is a continuum of alternative placements?

34 C.F.R. §300.551(a)—Continuum of alternative placements.

(a) Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in paragraph (a) of this section must—

(1) Include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and

(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

(Authority: 20 U.S.C. 1412(a)(5))

How are placement decisions determined?

34 C.F.R. §300.552—Placements.

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency shall ensure that-

(a) The placement decision—

(1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(2) Is made in conformity with the LRE provisions of this subpart, including §§300.550-300.554;

(b) The child's placement—

(1) Is determined at least annually;

(2) Is based on the child's IEP; and

(3) Is as close as possible to the child's home;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

(Authority: 20 U.S.C. 1412(a)(5))

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Does LRE apply to nonacademic settings?

34 C.F.R. §300.553—Nonacademic settings.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in §300.306, each public agency shall ensure that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child.

(Authority: 20 U.S.C. 1412(a)(5))

Does the State have any responsibility for ensuring that school personnel have the necessary skills and knowledge to implement LRE requirements?

34 C.F.R. §300.555—Technical assistance and training activities.

Each SEA shall carry out activities to ensure that teachers and administrators in all public agencies—

(a) Are fully informed about their responsibilities for implementing §300.550; and

(b) Are provided with technical assistance and training necessary to assist them in this effort.

(Authority: 20 U.S.C. 1412(a)(5))

How is the LRE monitored?

34 C.F.R. §300.556—Monitoring activities.

(a) The SEA shall carry out activities to ensure that §300.550 is implemented by each public agency.

(b) If there is evidence that a public agency makes placements that are inconsistent with §300.550, the SEA shall—

(1) Review the public agency's justification for its actions; and

(2) Assist in planning and implementing any necessary corrective action.

(Authority: 20 U.S.C. 1412(a)(5))

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Appendix L-3

School Climate and Discipline

IDEA Regulations Related To Supporting Achievement for Students with Disabilities

School climate impacts upon the ease with which leaders implement legal requirements and sound practices related to educating students with disabilities. Leadership is needed to ensure that the entire school community—students, service providers, families, administrators, and other stakeholders—demonstrate caring and respect for each other. In the context of IDEA, leaders also should be cognizant of all requirements related to working with students with challenging behaviors (e.g., role of the IEP team in determining positive behavioral supports and interventions, how and when a change in placement as a result of behavior may occur, and when a behavioral management plan is required). [*Note*: Only portions of the regulations are provided here for your convenience.]

Do children with disabilities who have been suspended or expelled from school have a right to a free appropriate public education?

34 C.F.R. §300.121—Free appropriate public education (FAPE).

> (a) General. Each State must have on file with the Secretary information that shows that, subject to §300.122, the State has in effect a policy that ensures that all children with disabilities aged 3 through 21 residing in the State have the right to FAPE, including children with disabilities who have been suspended or expelled from school.
>
> . . .
>
> (d) FAPE for children suspended or expelled from school.

Appendix L-3, continued

(1) A public agency need not provide services during periods of removal under §300.520(a)(1) to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.

(2) In the case of a child with a disability who has been removed from his or her current placement for more than 10 school days in that school year, the public agency, for the remainder of the removals, must-

(i) Provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the removal is—

(A) Under the school personnel's authority to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519(b) (§300.520((a)(1)); or

(B) For behavior that is not a manifestation of the child's disability, consistent with §300.524; and

(ii) Provide services consistent with §300.522, regarding determination of the appropriate interim alternative educational setting, if the removal is—

(A) For drug or weapons offenses under §300.520(a)(2); or

(B) Based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if he or she remains in the current placement, consistent with §300.521.

(3)

(i) School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed under the authority of school personnel to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519 (§300.520(a)(1)).

(ii) The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability, consistent with §300.524.

...

(Authority: 20 U.S.C. 1412(a)(1))

What responsibilities do IEP teams have with regard to a child with challenging behavior?

34 C.F.R. §300.346—Development, review, and revision of IEP.

Appendix L-3, continued

(a) Development of IEP.

(1) General. In developing each child's IEP, the IEP team, shall consider—

(i) The strengths of the child and the concerns of the parents for enhancing the education of their child;

(ii) The results of the initial or most recent evaluation of the child; and

(iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

(2) Consideration of special factors. The IEP team also shall -

(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

...

(b) Review and Revision of IEP. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider the factors described in paragraph (a) of this section.

(c) Statement in IEP. If, in considering the special factors described in paragraphs (a)(1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.

(d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of-

(1) Appropriate positive behavioral interventions and strategies for the child; and

(2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with 300.347(a)(3).

...

(Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

Does the regular education teacher participate in the determination of appropriate positive behavioral interventions and strategies?

34 C.F.R. §300.346(d)—Development, review, and revision of IEP.

...(d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of-

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Appendix L-3, continued

(1) Appropriate positive behavioral interventions and strategies for the child; and

(2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with 300.347(a)(3). ...

(Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

What related services are available to assist with the development of positive behavioral interventions and the functional behavioral assessment of a student with challenging behavior?

34 C.F.R. 300.24(b)—Related Services.

...(b) **Individual terms defined**. The terms used in this definition are defined as follows:

...

(2) Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

...

(9) **Psychological services** includes—

(i) Administering psychological and educational tests, and other assessment procedures;

(ii) Interpreting assessment results;

(iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;

(iv) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations;

(v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and

(vi) Assisting in developing positive behavioral intervention strategies.

...

(13) Social work services in schools includes—

(i) Preparing a social or developmental history on a child with a disability;

(ii) Group and individual counseling with the child and family;

(iii) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;

(iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and

Appendix L-3, continued

(v) Assisting in developing positive behavioral intervention strategies.

...

(Authority: 20 U.S.C. 1401(22))

When do removals for disciplinary purposes constitute a change in placement?

34 C.F.R. §300.519—Change of placement for disciplinary removals.

For purposes of removals of a child with a disability from the child's current educational placement under §§300.520-300.529, a change of placement occurs if—

(a) The removal is for more than 10 consecutive school days; or

(b) The child is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.

(Authority: 20 U.S.C. 1415(k))

When may school personnel remove a child from his or her current placement?

34 C.F.R. §300.520—Authority of school personnel.

(a) School personnel may order—

(1)

(i) To the extent removal would be applied to children without disabilities, the removal of a child with a disability from the child's current placement for not more than 10 consecutive school days for any violation of school rules, and additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under §300.519(b));

(ii) After a child with a disability has been removed from his or her current placement for more than 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under §300.121(d); and

(2) A change in placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days, if—

(i) The child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or

Appendix L-3, continued

(ii) The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.

(b)

(1) Either before or not later than 10 business days after either first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement under §300.519, including the action described in paragraph (a)(2) of this section—

(i) If the LEA did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the child before the behavior that resulted in the removal described in paragraph (a) of this section, the agency shall convene an IEP meeting to develop an assessment plan.

(ii) If the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation, and, modify the plan and its implementation as necessary, to address the behavior.

(2) As soon as practicable after developing the plan described in paragraph (b)(1)(i) of this section, and completing the assessments required by the plan, the LEA shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

(c)

(1) If subsequently, a child with a disability who has a behavioral intervention plan and who has been removed from the child's current educational placement for more than 10 school days in a school year is subjected to a removal that does not constitute a change of placement under §300.519, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(2) If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

(d) For purposes of this section, the following definitions apply:

(1) **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) **Illegal drug**-

(i) Means a controlled substance; but

(ii) Does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(3) **Weapon** has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

(Authority: 20 U.S.C. 1415(k)(1), (10))

Appendix L-3, continued

What role does a hearing officer serve in ordering a change in placement for a child whose behavior is substantially likely to result in injury to the child or to others?

34 C.F.R. §300.521—Authority of hearing officer.

A hearing officer under section 615 of the Act may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer, in an expedited due process hearing—

(a) Determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of the child is substantially likely to result in injury to the child or to others;

(b) Considers the appropriateness of the child's current placement;

(c) Considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

(d) Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the child's special education teacher, meets the requirements of §300.522(b).

(e) As used in this section, the term **substantial evidence** means beyond a preponderance of the evidence.

(Authority: 20 U.S.C. 1415(k)(2), (10))

Who determines an interim alternative placement for a child?

34 C.F.R. §300.522—Determination of setting.

(a) **General.** The interim alternative educational setting referred to in §300.520(a)(2) must be determined by the IEP team.

(b) **Additional requirements.** Any interim alternative educational setting in which a child is placed under §§300.520(a)(2) or 300.521 must-

(1) Be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

(2) Include services and modifications to address the behavior described in §§300.520(a)(2) or 300.521, that are designed to prevent the behavior from recurring.

(Authority: 20 U.S.C. 1415(k)(3))

Appendix L-3, continued

What must be considered when determining if there is a relationship between the child's disability and the behavior subject to the disciplinary action?

34 C.F.R. §300.523—Manifestation determination review.

(a) **General.** If an action is contemplated regarding behavior described in §§300.520(a)(2) or 300.521, or involving a removal that constitutes a change of placement under §300.519 for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the LEA that applies to all children-

(1) Not later than the date on which the decision to take that action is made, the parents must be notified of that decision and provided the procedural safeguards notice described in §300.504; and

(2) Immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review must be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.

(b) **Individuals to carry out review.** A review described in paragraph (a) of this section must be conducted by the IEP team and other qualified personnel in a meeting.

(c) **Conduct of review.** In carrying out a review described in paragraph (a) of this section, the IEP team and other qualified personnel may determine that the behavior of the child was not a manifestation of the child's disability only if the IEP team and other qualified personnel -

(1) First consider, in terms of the behavior subject to disciplinary action, all relevant information, including -

(i) Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the child;

(ii) Observations of the child; and

(iii) The child's IEP and placement; and

(2) Then determine that—

(i) In relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;

(ii) The child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and

(iii) The child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

(d) **Decision.** If the IEP team and other qualified personnel determine that any of the standards in paragraph (c)(2) of this section were not met, the behavior must be considered a manifestation of the child's disability.

(e) **Meeting.** The review described in paragraph (a) of this section may be conducted at the same IEP meeting that is convened under §300.520(b).

(f) **Deficiencies in IEP or placement.** If, in the review in paragraphs (b) and (c) of this

Appendix L-3, continued

section, a public agency identifies deficiencies in the child's IEP or placement or in their implementation, it must take immediate steps to remedy those deficiencies.

(Authority: 20 U.S.C. 1415(k)(4))

What happens if the IEP team determines that the behavior in question was not a manifestation of the disability?

34 C.F.R. §300.524—Determination that behavior was not manifestation of disability.

(a) **General**. If the result of the review described in §300.523 is a determination, consistent with §300.523(d), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities, except as provided in §300.121(d).

(b) **Additional requirement**. If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

(c) **Child's status during due process proceedings**. Except as provided in §300.526, §300.514 applies if a parent requests a hearing to challenge a determination, made through the review described in §300.523, that the behavior of the child was not a manifestation of the child's disability.

(Authority: 20 U.S.C. 1415(k)(5))

What if parents do not agree with the decisions regarding placement under the discipline provisions of IDEA or a manifestation determination?

34 C.F.R. §300.525—Parent appeal.

(a) General.

(1) If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement under §§300.520-300.528, the parent may request a hearing.

(2) The State or local educational agency shall arrange for an expedited hearing in any case described in paragraph (a)(1) of this section if a hearing is requested by a parent.

(b) Review of decision.

(1) In reviewing a decision with respect to the manifestation determination, the hearing

officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of the child's disability consistent with the requirements of §300.523(d).

(2) In reviewing a decision under §300.520(a)(2) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards in §300.521.

(Authority: 20 U.S.C. 1415(k)(6))

Where does a child receive services during appeals?

34 C.F.R. §300.526—Placement during appeals.

(a) **General**. If a parent requests a hearing or an appeal regarding a disciplinary action described in §300.520(a)(2) or 300.521 to challenge the interim alternative educational setting or the manifestation determination, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in §300.520(a)(2) or 300.521, whichever occurs first, unless the parent and the State agency or local educational agency agree otherwise.

(b) **Current placement**. If a child is placed in an interim alternative educational setting pursuant to §300.520(a)(2) or 300.521 and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the child must remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in paragraph (c) of this section.

(c) **Expedited hearing**.

(1) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the LEA may request an expedited due process hearing.

(2) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards in §300.521.

(3) A placement ordered pursuant to paragraph (c)(2) of this section may not be longer than 45 days.

(4) The procedure in paragraph (c) of this section may be repeated, as necessary.

(Authority: 20 U.S.C. 1415(k)(7))

Appendix L-3, continued

Do IDEA protections extend to a child who has not been determined eligible for special education and related services who engages in challenging behavior?

34 C.F.R. §300.527—Protections for children not yet eligible for special education and related services.

(a) **General**. A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in §§300.520 or 300.521, may assert any of the protections provided for in this part if the LEA had knowledge (as determined in accordance with paragraph (b) of this section) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

(b) **Basis of knowledge**. An LEA must be deemed to have knowledge that a child is a child with a disability if -

(1) The parent of the child has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to personnel of the appropriate educational agency that the child is in need of special education and related services;

(2) The behavior or performance of the child demonstrates the need for these services, in accordance with §300.7;

(3) The parent of the child has requested an evaluation of the child pursuant to §§300.530-300.536; or

(4) The teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of the agency or to other personnel in accordance with the agency's established child find or special education referral system.

(c) **Exception**. A public agency would not be deemed to have knowledge under paragraph (b) of this section if, as a result of receiving the information specified in that paragraph, the agency-

(1) Either—

(i) Conducted an evaluation under §§300.530-300.536, and determined that the child was not a child with a disability under this part; or

(ii) Determined that an evaluation was not necessary; and

(2) Provided notice to the child's parents of its determination under paragraph (c)(1) of this section, consistent with §300.503.

(d) **Conditions that apply if no basis of knowledge**.

(1) **General**. If an LEA does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures

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Appendix L-3, continued

applied to children without disabilities who engaged in comparable behaviors consistent with paragraph (d)(2) of this section.

(2) Limitations.

(i) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under §300.520 or 300.521, the evaluation must be conducted in an expedited manner.

(ii) Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

(iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, including the requirements of §§300.520-300.529 and section 612(a)(1)(A) of the Act.

(Authority: 20 U.S.C. 1415(k)(8))

Are school personnel prohibited from reporting crimes committed by children with disabilities to the appropriate law enforcement authorities?

34 C.F.R. §300.529—Referral to and action by law enforcement and judicial authorities.

(a) Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(b)

(1) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

(2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

(Authority: 20 U.S.C. 1415(k)(9))

Appendix L-4

State and District-wide Assessments

IDEA Regulations Related To Supporting Achievement for Students with Disabilities

All children should be included in assessment programs and their data should be used for school improvement purposes. Leaders should understand that IDEA requires children with disabilities to participate in general State and district-wide assessment programs, with appropriate accommodations if necessary as determined by the IEP team. A small number of children may need to participate through alternate assessments in accordance with predetermined guidelines.

Leaders should understand that it is important to report the scores of students with disabilities so they are included in reform efforts and so they are able to demonstrate performance in the general education curriculum. It is important to be able to explain to the community and staff members why including students with disabilities in large-scale assessments is not only the law, but also is sound practice.

IDEA provisions are consistent with the No Child Left Behind Act of 2001 (NCLB), which is designed to help all students meet high academic standards by requiring that States create annual assessments that measure what children know and can do in reading and math in grades 3 through 8, and once in grades 10 through 12. These tests, based on challenging State standards, will allow parents, educators, administrators, policymakers, and the general public to track the performance of every school in the nation. Data are to be disaggregated for students by poverty, race/ethnicities, disability, and limited English proficiencies to ensure that no child is left behind. Under NCLB, State assessments must provide for the participation of all students, including students with disabilities, and provide reasonable accommodations as necessary to ensure participation. [*Note*: Additional information about the NCLB can be obtained at www.ed.gov.]

Appendix L-4, continued

IDEA regulations related to participation in State and district-wide assessment follow. [*Note*: Only portions of the regulations are provided here for your convenience.]

How does IDEA provide for the participation of children with disabilities in State and district-wide assessments of achievement?

34 C.F.R. §300.138—Participation in assessments.

The State must have on file with the Secretary information to demonstrate that—

(a) Children with disabilities are included in general State and district-wide assessment programs, with appropriate accommodations and modifications in administration, if necessary;

(b) As appropriate, the State or LEA—

(1) Develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State and district-wide assessment programs;

(2) Develops alternate assessments in accordance with paragraph (b)(1) of this section; and

(3) Beginning not later than, July 1, 2000, conducts the alternate assessments described in paragraph (b)(2) of this section.

(Authority: 20 U.S.C. 1412(a)(17)(A))

How are students' scores to be reported?

34 C.F.R. §300.139—Reports relating to assessments.

(a) **General**. In implementing the requirements of §300.138, the SEA shall make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following information:

(1) The number of children with disabilities participating-

(i) In regular assessments; and

(ii) In alternate assessments.

(2) The performance results of the children described in paragraph (a)(1) of this section if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children-

(i) On regular assessments (beginning not later than July 1, 1998); and

Appendix L-4, continued

(ii) On alternate assessments (not later than July 1, 2000).

(b) **Combined reports**. Reports to the public under paragraph (a) of this section must include-

(1) Aggregated data that include the performance of children with disabilities together with all other children; and

(2) Disaggregated data on the performance of children with disabilities.

(c) **Timeline for disaggregation of data**. Data relating to the performance of children described under paragraph (a)(2) of this section must be disaggregated-

(1) For assessments conducted after July 1, 1998; and

(2) For assessments conducted before July 1, 1998, if the State is required to disaggregate the data prior to July 1, 1998.

(Authority: 20 U.S.C. 612(a)(17)(B))

What must be included in the IEP regarding a child's participation in State and district-wide assessments?

34 C.F.R. §300.347(a)(5)—Content of the IEP.

...(a) General. The IEP for each child with a disability must include—

...(5)

(i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and

(ii) If the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of—

(A) Why that assessment is not appropriate for the child; and

(B) How the child will be assessed.

(Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6)(A)(ii))

Appendix L-5

Personnel and Professional Development

IDEA Regulations Related To Supporting Achievement for Students with Disabilities

Well prepared professional personnel—along with well supervised parent and community volunteers—ensure that student and program needs are met. Schools should be appropriately staffed with qualified special education teachers—including early childhood special educators, as appropriate—and related service personnel and other professionals who serve students with disabilities. IDEA requires that states must establish entry-level requirements for the professions and disciplines that provide services under IDEA. IDEA also requires the state to have in effect a comprehensive system of personnel development (CSPD) that is designed to ensure an adequate supply of qualified special education, regular education, and related services personnel. Using the regulations for guidance, leaders can advocate for the recruitment and retention of qualified staff. Because staff development is another major tool leaders can use to ensure that legal requirements and sound practices related to educating students with disabilities are implemented effectively, leaders also may want to be knowledgeable about related IDEA regulations.

The following provisions affect state practices related to staffing and fall under the categories of providing a comprehensive system of personnel development, personnel standards, and technical assistance and training activities. [*Note*: Only portions of the regulations are provided here for your convenience.]

Appendix L-5, continued

Does IDEA have provisions that address the need for a qualified work force?

34 C.F.R. §300.23—Qualified personnel.

As used in this part, the term qualified personnel means personnel who have met SEA-approved or SEA-recognized certification, licensing, registration, or other comparable requirements that apply to the area in which the individuals are providing special education or related services.

(Authority: 20 U.S.C. 1221e-3)

34 C.F.R. §300.135—Comprehensive system of personnel development.

(a) **General.** The State must have in effect, consistent with the purposes of this part and with section 635(a)(8) of the Act, a comprehensive system of personnel development that—

(1) Is designed to ensure an adequate supply of qualified special education, regular education, and related services personnel; and

(2) Meets the requirements for a State improvement plan relating to personnel development in section 653(b)(2)(B) and (c)(3)(D) of the Act.

(b) **Information.** The State must have on file with the Secretary information that shows that the requirements of paragraph (a) of this section are met.

(Authority: 20 U.S.C. 1412(a)(14))

34 C.F.R. §300.136—Personnel standards.

(a) **Definitions.** As used in this part—

(1) **Appropriate professional requirements in the State** means entry level requirements that—

(i) Are based on the highest requirements in the State applicable to the profession or discipline in which a person is providing special education or related services; and

(ii) Establish suitable qualifications for personnel providing special education and related services under Part B of the Act to children with disabilities who are served by State, local, and private agencies (see §300.2);

(2) **Highest requirements in the State applicable to a specific profession or discipline** means the highest entry-level academic degree needed for any State-approved or -recognized certification, licensing, registration, or other comparable requirements that apply to that profession or discipline;

(3) **Profession or discipline** means a specific occupational category that—

(i) Provides special education and related services to children with disabilities under Part B of the Act;

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(ii) Has been established or designated by the State;

(iii) Has a required scope of responsibility and degree of supervision; and

(iv) Is not limited to traditional occupational categories; and

(4) **State-approved or -recognized certification, licensing, registration, or other comparable requirements** means the requirements that a State legislature either has enacted or has authorized a State agency to promulgate through rules to establish the entry-level standards for employment in a specific profession or discipline in that State.

(b) **Policies and procedures.**

(1)

(i) The State must have on file with the Secretary policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained.

(ii) The policies and procedures required in paragraph (b)(1)(i) of this section must provide for the establishment and maintenance of standards that are consistent with any State- approved or -recognized certification, licensing, registration, or other comparable requirements that apply to the profession or discipline in which a person is providing special education or related services.

(2) Each State may—

(i) Determine the specific occupational categories required to provide special education and related services within the State; and

(ii) Revise or expand those categories as needed.

(3) Nothing in this part requires a State to establish a specified training standard (e.g., a masters degree) for personnel who provide special education and related services under Part B of the Act.

(4) A State with only one entry-level academic degree for employment of personnel in a specific profession or discipline may modify that standard as necessary to ensure the provision of FAPE to all children with disabilities in the State without violating the requirements of this section.

(c) Steps for retraining or hiring personnel. To the extent that a State's standards for a profession or discipline, including standards for temporary or emergency certification, are not based on the highest requirements in the State applicable to a specific profession or discipline, the State must provide the steps the State is taking and the procedures for notifying public agencies and personnel of those steps and the timelines it has established for the retraining or hiring of personnel to meet appropriate professional requirements in the State.

(d) **Status of personnel standards in the State.**

(1) In meeting the requirements in paragraphs (b) and (c) of this section, a determination must be made about the status of personnel standards in the State. That determination must be based on current information that accurately describes, for each profession or discipline in which personnel are providing special education or related services, whether the applicable standards are consistent with the highest requirements in the State for that profession or discipline.

(2) The information required in paragraph (d)(1) of this section must be on file in the SEA and

available to the public.

(e) **Applicability of State statutes and agency rules.** In identifying the highest requirements in the State for purposes of this section, the requirements of all State statutes and the rules of all State agencies applicable to serving children with disabilities must be considered.

(f) **Use of paraprofessionals and assistants.** A State may allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulations, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services to children with disabilities under Part B of the Act.

(g) **Policy to address shortage of personnel.**

(1) In implementing this section, a State may adopt a policy that includes a requirement that LEAs in the State make an ongoing good faith effort to recruit and hire appropriately and adequately trained personnel to provide special education and related services to children with disabilities, including, in a geographic area of the State where there is a shortage of personnel that meet these qualifications, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in paragraph (b)(2) of this section, consistent with State law and the steps described in paragraph (c) of this section, within three years.

(2) If a State has reached its established date under paragraph (c) of this section, the State may still exercise the option under paragraph (g)(1) of this section for training or hiring all personnel in a specific profession or discipline to meet appropriate professional requirements in the State.

(3)

(i) Each State must have a mechanism for serving children with disabilities if instructional needs exceed available personnel who meet appropriate professional requirements in the State for a specific profession or discipline.

(ii) A State that continues to experience shortages of qualified personnel must address those shortages in its comprehensive system of personnel development under §300.135.

(Authority: 20 U.S.C. 1412(a)(15))

34 C.F.R. §300.380—General CSPD requirements.

(a) Each State shall develop and implement a comprehensive system of personnel development that—

(1) Is consistent with the purposes of this part and with section 635(a)(8) of the Act;

(2) Is designed to ensure an adequate supply of qualified special education, regular education, and related services personnel;

(3) Meets the requirements of §§300.381 and 300.382; and

(4) Is updated at least every five years.

(b) A State that has a State improvement grant has met the requirements of paragraph (a) of this section.

(Authority: 20 U.S.C. 1412(a)(14))

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Appendix L-5, continued

34 C.F.R. §300.381—Adequate supply of qualified personnel.

Each State must include, at least, an analysis of State and local needs for professional development for personnel to serve children with disabilities that includes, at a minimum—

(a) The number of personnel providing special education and related services; and

(b) Relevant information on current and anticipated personnel vacancies and shortages (including the number of individuals described in paragraph (a) of this section with temporary certification), and on the extent of certification or retraining necessary to eliminate these shortages, that is based, to the maximum extent possible, on existing assessments of personnel needs.

(Authority: 20 U.S.C. 1453(b)(2)(B))

Are there provisions in IDEA related to how States may address the preservice and inservice preparation of personnel who work with children with disabilities?

34 C.F.R. §300.382—Improvement strategies.

Each State must describe the strategies the State will use to address the needs identified under §300.381. These strategies must include how the State will address the identified needs for in-service and pre-service preparation to ensure that all personnel who work with children with disabilities (including both professional and paraprofessional personnel who provide special education, general education, related services, or early intervention services) have the skills and knowledge necessary to meet the needs of children with disabilities. The plan must include a description of how the State will—

(a) Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities including how the State will work with other States on common certification criteria;

(b) Prepare professionals and paraprofessionals in the area of early intervention with the content knowledge and collaborative skills needed to meet the needs of infants and toddlers with disabilities;

(c) Work with institutions of higher education and other entities that (on both a pre-service and an in-service basis) prepare personnel who work with children with disabilities to ensure that those institutions and entities develop the capacity to support quality professional development programs that meet State and local needs;

(d) Work to develop collaborative agreements with other States for the joint support and development of programs to prepare personnel for which there is not sufficient demand within a single State to justify support or development of a program of preparation;

(e) Work in collaboration with other States, particularly neighboring States, to address the lack of uniformity and reciprocity in credentialing of teachers and other personnel;

(f) Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of children with disabilities that impedes the learning of

Appendix L-5, continued

children with disabilities and others;

(g) Acquire and disseminate, to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources, and how the State will, if appropriate, adopt promising practices, materials, and technology;

(h) Recruit, prepare, and retain qualified personnel, including personnel with disabilities and personnel from groups that are under-represented in the fields of regular education, special education, and related services;

(i) Insure that the plan is integrated, to the maximum extent possible, with other professional development plans and activities, including plans and activities developed and carried out under other Federal and State laws that address personnel recruitment and training; and

(j) Provide for the joint training of parents and special education, related services, and general education personnel.

(Authority: 20 U.S.C. 1453 (c)(3)(D))

34 C.F.R. §300.555—Technical assistance and training activities.

Each SEA shall carry out activities to ensure that teachers and administrators in all public agencies—

(a) Are fully informed about their responsibilities for implementing §300.550; and

(b) Are provided with technical assistance and training necessary to assist them in this effort.

(Authority: 20 U.S.C. 1412(a)(5))

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Appendix L-6

Family Involvement

IDEA Regulations Related To Supporting Achievement for Students with Disabilities

IDEA includes key principles to guide families and professionals to work together to enhance the educational opportunities for their children. IDEA requires active parent participation throughout the educational process, including the development of the child's IEP. In addition, IDEA mandates that schools report progress to parents of children with disabilities as frequently as they report to parents of nondisabled children. The overall goal is to maintain an equal and respectful partnership between schools and families.

IDEA contains many regulations related to parent participation. Regulations related to supporting achievement for students with disabilities follow. [*Note*: Only portions of the regulations are provided here for your convenience.]

How are parents to be involved in planning their child's individualized education program?

34 C.F.R. §300.344—IEP team.

> (a) General. The public agency shall ensure that the IEP team for each child with a disability includes—
>
> (1) The parents of the child;
>
> (2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
>
> (3) At least one special education teacher of the child, or if appropriate, at least one special education provider of the child;
>
> (4) A representative of the public agency who—
>
> (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

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(ii) Is knowledgeable about the general curriculum; and

(iii) Is knowledgeable about the availability of resources of the public agency;

(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of this section;

(6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(7) If appropriate, the child.

(b) **Transition services participants.**

(1) Under paragraph (a)(7) of this section, the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of—

(i) The student's transition services needs under §300.347(b)(1); or

(ii) The needed transition services for the student under §300.347(b)(2); or

(iii) Both.

(2) If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered.

(3)

(i) In implementing the requirements of §300.347(b)(2), the public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

(ii) If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

(c) **Determination of knowledge and special expertise.** The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section shall be made by the party (parents or public agency) who invited the individual to be a member of the IEP.

(d) **Designating a public agency representative.** A public agency may designate another public agency member of the IEP team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.

(Authority: 20 U.S.C. 1401(30), 1414(d)(1)(A)(7), (B))

34 C.F.R. §300.346—Development, review, and revision of IEP.

(a) Development of IEP.

(1) General. In developing each child's IEP, the IEP team, shall consider—

(i) The strengths of the child and the concerns of the parents for enhancing the education of their child;

(ii) The results of the initial or most recent evaluation of the child; and

Appendix L-6, continued

(iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

(2) Consideration of special factors. The IEP team also shall -

(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

(ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

(iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

(v) Consider whether the child requires assistive technology devices and services.

(b) Review and Revision of IEP. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider the factors described in paragraph (a) of this section.

(c) Statement in IEP. If, in considering the special factors described in paragraphs (a)(1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.

(d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of-

(1) Appropriate positive behavioral interventions and strategies for the child; and

(2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with 300.347(a)(3).

(e) Construction. Nothing in this section shall be construed to require the IEP team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.

(Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

Appendix L-6, continued

What steps must schools take to ensure parent participation in their child's IEP?

34 C.F.R. §300.345—Parent participation.

(a) Public agency responsibility-general. Each public agency shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including—

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

(2) Scheduling the meeting at a mutually agreed on time and place.

(b) Information provided to parents.

(1) The notice required under paragraph (a)(1) of this section must-

(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

(ii) Inform the parents of the provisions in §300.344(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child).

(2) For a student with a disability beginning at age 14, or younger, if appropriate, the notice must also-

(i) Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in §300.347(b)(1); and

(ii) Indicate that the agency will invite the student.

(3) For a student with a disability beginning at age 16, or younger, if appropriate, the notice must—

(i) Indicate that a purpose of the meeting is the consideration of needed transition services for the student required in §300.347(b)(2);

(ii) Indicate that the agency will invite the student; and

(iii) Identify any other agency that will be invited to send a representative.

(c) Other methods to ensure parent participation. If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) Conducting an IEP meeting without a parent in attendance. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its attempts to arrange a mutually agreed on time and place, such as -

(1) Detailed records of telephone calls made or attempted and the results of those calls;

(2) Copies of correspondence sent to the parents and any responses received; and

(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

Appendix L-6, continued

(e) Use of interpreters or other action, as appropriate. The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

(f) Parent copy of child's IEP. The public agency shall give the parent a copy of the child's IEP at no cost to the parent.

(Authority: 20 U.S.C. 1414(d)(1)(B)(i))

Must the IEP include a statement of how the parents will be informed of their child's progress?

34 C.F.R. §300.347—Content of IEP.

(a) General. The IEP for each child with a disability must include

...

...(7) A statement of—

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—

(A) Their child's progress toward the annual goals; and

(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

...

(Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6)(A)(ii)

What safeguards must be in place for parents related to their child's evaluation?

34 C.F.R. §300.500—General responsibility of public agencies; definitions.

(a) **Responsibility of SEA and other public agencies.** Each SEA shall ensure that each public agency establishes, maintains, and implements procedural safeguards that meet the requirements of §§300.500-300.529.

(b) **Definitions of "consent," "evaluation," and "personally identifiable."** As used in this

Appendix L-6, continued

part—

(1) **Consent** means that—

(i) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;

(ii) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

(iii)

(A) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime.

(B) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

(2) **Evaluation** means procedures used in accordance with §§300.530-300.536 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs; and

(3) **Personally identifiable** means that information includes—

(i) The name of the child, the child's parent, or other family member;

(ii) The address of the child;

(iii) A personal identifier, such as the child's social security number or student number; or

(iv) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

(Authority: 20 U.S.C. 1415(a))

Under what circumstances can a parent request an independent educational evaluation?

34 C.F.R. §300.502—Independent educational evaluation.

(a) General.

(1) The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section.

(2) Each public agency shall provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in paragraph (e) of this section.

(3) For the purposes of this part—

(i) Independent educational evaluation means an evaluation conducted by a qualified

Appendix L-6 continued

examiner who is not employed by the public agency responsible for the education of the child in question; and

(ii) Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with §300.301.

(b) Parent right to evaluation at public expense.

(1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency.

(2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either—

(i) Initiate a hearing under §300.507 to show that its evaluation is appropriate; or

(ii) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing under §300.507 that the evaluation obtained by the parent did not meet agency criteria.

(3) If the public agency initiates a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

(4) If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the public agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.

(c) Parent-initiated evaluations. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation—

(1) Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and

(2) May be presented as evidence at a hearing under this subpart regarding that child.

(d) Requests for evaluations by hearing officers. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(e) Agency criteria.

(1) If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

(2) Except for the criteria described in paragraph (e)(1) of this section, a public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

(Authority: 20 U.S.C. 1415(b)(1))

Appendix L-6, continued

What is the public agency's responsibility for ensuring parent involvement in placement decisions?

34 C.F.R. §300.501—Opportunity to examine records; parent participation in meetings.

(a) **General**. The parents of a child with a disability must be afforded, in accordance with the procedures of §§300.562- 300.569, an opportunity to—

(1) Inspect and review all education records with respect to-

(i) The identification, evaluation, and educational placement of the child; and

(ii) The provision of FAPE to the child; and

(2) Participate in meetings with respect to—

(i) The identification, evaluation, and educational placement of the child; and

(ii) The provision of FAPE to the child.

(b) **Parent participation in meetings.**

(1) Each public agency shall provide notice consistent with §300.345(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (a)(2) of this section.

(2) A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

(c) **Parent involvement in placement decisions.**

(1) Each public agency shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

(2) In implementing the requirements of paragraph (c)(1) of this section, the public agency shall use procedures consistent with the procedures described in §300.345(a) through (b)(1).

(3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency shall use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

(4) A placement decision may be made by a group without the involvement of the parents, if the public agency is unable to obtain the parents' participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement, including information that is consistent with the requirements of §300.345(d).

(5) The public agency shall make reasonable efforts to ensure that the parents understand, and are able to participate in, any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness, or whose native language is other than English.

(Authority: 20 U.S.C. 1414(f), 1415(b)(1))

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Appendix L-7

Data Show…

- African American youth ages 6 to 21 account for 14.5 percent of the general population. Yet they account for 20.3 percent of the special education population.
- In all of the 13 disability categories, the percentage of African American students equals or exceeds the resident population percentage.
- The representation of African American students in the mental retardation and developmental delay categories is more than twice their national population estimates.

[From: U.S. Department of Education, Office of Special Education Programs (2001). *Annual report to Congress on the implementation of the Individuals with Disabilities Education Act*. Washington, DC: Author.]

Accompanies
INFORMATION BUILDER L.c

Appendix L-8

Are You a Member Of....?

We are gathering information on organizations that provide resources related to supporting achievement for children with disabilities. Would you please let us know if you are a member of these organizations, and/or have knowledge about them that you might share? Use the following rating system and check all that apply:

1 = I am a member

2 = I am not a member, but am knowledgeable about the organization

__ American Association of School Administrators
__ American Federation of Teachers
__ American Occupational Therapy Association
__ American Speech-Language-Hearing Association
__ Association for Career and Technical Education
__ Council of Administrators of Special Education*
__ Council for Exceptional Children
__ Council of the Great City Schools
__ Council for American Private Education
__ Council for Children with Behavioral Disorders*
__ Division for Early Childhood*
__ Federation for Children with Special Needs
__ International Reading Association
__ National Alliance of Black School Educators

Accompanies
INFORMATION BUILDER L.e

Appendix L-8, continued

__ National Association for Bilingual Education

__ National Association for the Education of Young Children

__ National Association of Elementary School Principals

__ National Association of Private Special Education Centers

__ National Association of Secondary School Principals

__ National Association of School Psychologists

__ National Council for the Social Studies

__ National Association of State Directors of Special Education

__ National Council of Teachers of English

__ National Council of Teachers of Mathematics

__ National Education Association

__ National Head Start Association

__ National Indian Education Association

__ National Resource Center for Paraprofessionals

__ Parent Advocacy Coalition for Education Rights (PACER) Center

__ Quality Education for Minorities Network

__ Technology and Media Division*

__ Urban Special Education Leadership Collaborative

*Divisions of the Council for Exceptional Children

Accompanies
INFORMATION BUILDER L.e

Appendix L-9

Would You Have Said This?

"When the law was first enacted, the focus was really on opening the schoolhouse doors to children who had never been there before—providing access. The focus now in IDEA is on assuring that the students who are in that schoolhouse building, who are now with us, are achieving." Assistant Superintendent

"As a principal, I see the value of having general educators and special educators working collaboratively together. As professionals, they bring a different area of expertise that when they work together in the classroom, they're able to meet the differing needs of all children." Principal

"In the reauthorization of IDEA 1997, it clearly states that the expectations for achievement for the children with disabilities need to be higher." Central Office Administrator

"It's a shared responsibility—no one individual does it alone." Superintendent

"IDEA has taken us into a new era in special education, in how we think about disability and how we educate students with disabilities. No longer can we rely on a separate or parallel system to educate students with disability. Instead, what we need to do is focus on creating a mainstream that works for all." Assistant Superintendent

"The transition planning process is important because it allows students to participate in relating what they're learning in school to their goals and achievements for life. The students are then motivated to achieve their goals." Director of Special Education

Accompanies
INFORMATION BUILDER L.f

Appendix L-9, continued

"As a building level principal, it's very rewarding to work in a building that includes everyone, a building that allows everyone to develop their talents to the highest degree, to share their gifts, that enriches the entire environment." Principal

"I believe that collaboration is really the key. It's an administrator's responsibility to ensure that general educators, special educators, and related service personnel work together." Assistant Principal

"The importance of including students with disabilities in statewide testing is it is a signal to students, to families, and to teachers that we can have high expectations for students with disabilities." Central Office Administrator

"As a building principal, my staff and I are very interested in evaluating what's occurring, as far as teaching and learning in our schools. We think it's very important to include all children in statewide assessments, exceptional and non-exceptional, so we get a true picture of the actual teaching and learning that's occurring." Principal

Accompanies

INFORMATION BUILDER L.f

Appendix L-10

Practices that Hinder Student Participation in Standards-based Learning

- Lack of coordination (e.g., scheduling, content) between special education services and the general education curriculum.
- Curriculum that does not challenge students with disabilities.
- Special education supports and related services not integrated into regular education classrooms.
- Reasonable accommodations, supplementary aids, and services not provided in the context of helping students with disabilities access the general education curriculum.

Accompanies
INFORMATION BUILDER L.g

Appendix L-11

Policies and Practices Activity Sheet

After reviewing your school's policies and practices, list those that may support the participation of students with disabilities in standards-based curriculum.

After reviewing your school's policies and practices, list those that may hinder the participation of students with disabilities in standards-based curriculum.

Accompanies

INFORMATION BUILDER L.g

Appendix L-12

Legal Basis for Including Students with Disabilities in Education Reform

IDEA

No Child Left Behind Act

Section 504

Americans with Disabilities Act (ADA)

Accompanies

INFORMATION BUILDER L.i

Appendix L-13

The Challenge of Creating Safe Schools

- To be effective learning environments, schools need to be safe and orderly.
- Problem behavior is the single most common reason why students are referred for removal from school.
- Challenges facing educators are significant and persistent.
- Across the nation, schools are being asked to do more with less.
- Punishment and exclusion remain the most common responses to student problem behavior.
- Reprimands, detentions, and exclusion are documented as ineffective strategies for improving the behavior of children in schools.

Accompanies

INFORMATION BUILDER L.r

Appendix L-14

How Negative Behavior Impacts Schools

- Loss of instructional time for all students.
- Overemphasis on reactive discipline and classroom management practices to control behavior.
- Chaotic school environments that disenfranchise families and school staff.
- Ineffective and inefficient use of student and staff resources and time.

Accompanies

INFORMATION BUILDER L.r

Appendix L-15

True or False?

- To be effective learning environments, schools need to be safe and orderly.
- Problem behavior is the single most common reason why students are referred for removal from school.
- Punishment and exclusions remain the most common responses to student problem behavior.
- Reprimands, detentions, and exclusion are documented as ineffective strategies for improving the behavior of children in schools.

Accompanies

INFORMATION BUILDER L.s

Appendix L-16

What the Law Allows: Procedural Considerations

1) School personnel can remove a student with a disability for 10 consecutive school days or less at a time for a violation of the school code of conduct (to the same extent applied to children without disabilities), as long as those removals do not constitute a change in placement. School personnel can immediately remove for up to 10 consecutive school days or less, the same child for separate incidences of misconduct, as long as those removals do not constitute a change in placement.

Regulations: ______________________________

Comments: ______________________________

____

Accompanies
INFORMATION BUILDER L.t

Appendix L-16, continued

2) School personnel can order a change of placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days for possession of weapons or drugs or the solicitation or sale of controlled substances while at school and school functions.

Regulations: ______________________________

Comments: ______________________________

____

3) If school personnel believe that a child is dangerous to himself or herself or others, they can ask a hearing officer in an expedited due process hearing to remove a student to an interim alternative educational setting for up to 45 days.

Regulations: ______________________________

Comments: ______________________________

____

4) Forty-five-day interim alternative educational placements can be extended in additional 45-day increments if the hearing officer agrees that the child continues to be substantially likely to injure himself or herself or others if returned to his or her prior placement.

Regulations: ______________________________

Comments: ______________________________

____

Accompanies
INFORMATION BUILDER L.t

Appendix L-16, continued

5) School personnel can remove a child with a disability, including suspending or expelling for behavior that is not a manifestation of the child's disability, to the same extent as is done for children without disabilities.

Regulations: ______________________________

Comments: ______________________________

____

6) School personnel can report crimes to appropriate law enforcement and judicial authorities.

Regulations: ______________________________

Comments: ______________________________

____

7) School personnel can always ask a court for a temporary restraining order in order to protect children or adults from harmful behaviors.

Regulations: ______________________________

Comments: ______________________________

____

Accompanies
INFORMATION BUILDER L.t

Appendix L-17

Creating Schoolwide Responses

- Policies (e.g., procedural handbooks), structures (e.g., behavioral support teams), and routines (opportunities for students to learn expected behavior) are in place.
- School staff define, teach, monitor, and acknowledge appropriate social behavior for all students. They do not wait for students to fail before providing behavioral supports.
- Policies, systems, and practices are in place for making problem behavior less effective, efficient, and relevant and desired behavior more functional.

Accompanies
INFORMATION BUILDER L.u

Appendix' L-18

RESOURCE GUIDE

Mediation*

There are times when parents may not agree with the school's recommendations about their child's education. Under the law, parents have the right to challenge decisions about their child's eligibility, evaluation, placement, and the services that the school provides to the child. If parents disagree with the school's actions or refusal to take action in these matters, they have the right to pursue a number of options (e.g., try to reach an agreement, ask for mediation, ask for due process, file a complaint with the State Education Agency).

While formal due process procedures are necessary to protect individual rights, mediation offers an alternative that may result in more collaborative decisionmaking by parents and schools. Mediation is an impartial system that brings the proper parties who have a dispute to discuss the disputed issues with a neutral third party with the goal of resolving the disputes in a binding written agreement.

What the Law Says

Under IDEA, mediation is voluntary. IDEA provides that procedures are to be established and implemented to allow parties to dispute certain matters (e.g., proposals or refusals to initiate or change the identification, evaluation, or educational placement of the child; provisions of a free appropriate education to the child) and to resolve the disputes through a mediation process when a hearing is requested. Relevant provisions follow. [*Note*: Only portions of the regulations are provided here for your convenience.]

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*[*Please note that only the materials in this appendix which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

RESOURCE GUIDE (continued)

34 C.F.R. §300.506—Mediation.

(a) **General**. Each public agency shall ensure that procedures are established and implemented to allow parties to disputes involving any matter described in §300.503(a)(1) to resolve the disputes through a mediation process that, at a minimum, must be available whenever a hearing is requested under §§300.507 or 300.520-300.528.

(b) **Requirements**. The procedures must meet the following requirements:

(1) The procedures must ensure that the mediation process-

(i) Is voluntary on the part of the parties;

(ii) Is not used to deny or delay a parent's right to a due process hearing under §300.507, or to deny any other rights afforded under Part B of the Act; and

(iii) Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(2)

(i) The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

(ii) If a mediator is not selected on a random (e.g., a rotation) basis from the list described in paragraph (b)(2)(i) of this section, both parties must be involved in selecting the mediator and agree with the selection of the individual who will mediate.

(3) The State shall bear the cost of the mediation process, including the costs of meetings described in paragraph (d) of this section.

(4) Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.

(5) An agreement reached by the parties to the dispute in the mediation process must be set forth in a written mediation agreement.

(6) Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings, and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of the process.

(c) **Impartiality of mediator**.

(1) An individual who serves as a mediator under this part-

(i) May not be an employee of-

(A) Any LEA or any State agency described under §300.194; or

(B) An SEA that is providing direct services to a child who is the subject of the mediation process; and

(ii) Must not have a personal or professional conflict of interest.

(2) A person who otherwise qualifies as a mediator is not an employee of an LEA or State agency

described under §300.194 solely because he or she is paid by the agency to serve as a mediator.

(d) **Meeting to encourage mediation.**

(1) A public agency may establish procedures to require parents who elect not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party-

(i) Who is under contract with a parent training and information center or community parent resource center in the State established under section 682 or 683 of the Act, or an appropriate alternative dispute resolution entity; and

(ii) Who would explain the benefits of the mediation process, and encourage the parents to use the process.

(2) A public agency may not deny or delay a parent's right to a due process hearing under §300.507 if the parent fails to participate in the meeting described in paragraph (d)(1) of this section.

(Authority: 20 U.S.C. 1415(e))

34 C.F.R. §300.370—Use of SEA allocations.

(a) Each State shall use any funds it retains under §300.602 and does not use for administration under §300.620 for any of the following:

(1) Support and direct services, including technical assistance and personnel development and training.

(2) Administrative costs of monitoring and complaint investigation, but only to the extent that those costs exceed the costs incurred for those activities during fiscal year 1985.

(3) To establish and implement the mediation process required by §300.506, including providing for the costs of mediators and support personnel.

(4) To assist LEAs in meeting personnel shortages.

(5) To develop a State Improvement Plan under subpart 1 of Part D of the Act.

(6) Activities at the State and local levels to meet the performance goals established by the State under §300.137 and to support implementation of the State Improvement Plan under subpart 1 of Part D of the Act if the State receives funds under that subpart.

(7) To supplement other amounts used to develop and implement a Statewide coordinated services system designed to improve results for children and families, including children with disabilities and their families, but not to exceed one percent of the amount received by the State under section 611 of the Act. This system must be coordinated with and, to the extent appropriate, build on the system of coordinated services developed by the State under Part C of the Act.

(8) For subgrants to LEAs for the purposes described in §300.622 (local capacity building).

(b) For the purposes of paragraph (a) of this section—

(1) **Direct services** means services provided to a child with a disability by the State directly, by contract, or through other arrangements; and

(2) **Support services** includes implementing the comprehensive system of personnel development

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RESOURCE GUIDE (continued)

under §§300.380- 300.382, recruitment and training of mediators, hearing officers, and surrogate parents, and public information and parent training activities relating to FAPE for children with disabilities.

(c) Of the funds an SEA retains under paragraph (a) of this section, the SEA may use the funds directly, or distribute them to LEAs on a competitive, targeted, or formula basis.

(Authority: 20 U.S.C. 1411 (f)(3))

What Research Says

Most states began to offer mediation during the 1980s, and by 1994, more than 75% of them provided it as an additional option for dispute resolution under IDEA (Ahearn, 1994). However, prior to IDEA 1997, mention of the success of mediation only was made in a note found in the 1990 IDEA regulations (Feinberg & Beyer, 2000).

Many parents and school personnel find formal due process procedures to be personally burdensome, expensive, and damaging to relationships. Participants who have prevailed in impartial due process hearings say that the cost was too high.

- Morvant & Zeller, 1997.
- Goldberg & Kuriloff, 1991.

Experts in the area suggest that mediation is a rapid, inexpensive, and equitable way to resolve conflicts. State office of education complaint managers indicate a preference for mediation over other dispute resolution options.

- Beyer, 1999.
- Suchey & Huefner, 1998.

Mediation experts recommend that school districts include mediation strategies that respect diverse methods of handling conflicts. The mediation process should be adapted to be appropriate and responsive to all of the participants in a particular mediation. Further, the mediation process may be strengthened by having mediators who demonstrate competence in the culture(s) represented by the parties.

- Engiles, Fromme, LeResche, & Moses, 1999.
- Engiles, Peter, Quash-Mah, & Todis, 1996.

Appendix L-18

RESOURCE GUIDE (continued)

Materials that Address Mediation

Considering Special Education Mediation

Author: Engiles, A.

Publication Date: 2000

Published By: Council for Exceptional Children

Available From: The article was published in ***TEACHING Exceptional Children,*** 32(4), 92-93. Contact Council for Exceptional Children, 1110 North Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free).

Format: Two-page article.

Brief Description: The article answers the following questions:

- What is mediation?
- Why consider mediation?
- What are the drawbacks of using mediation?
- How can I find out about mediation in my state?
- How can I find a mediator?

Keys to Access: Encouraging the Use of Mediation by Families from Diverse Backgrounds

Author: Engiles, A., Fromme, C., LeResche, D., & Moses, P.

Publication Date: 1999

Published By: Consortium for Appropriate Dispute Resolution in Special Education (CADRE).

Available From: Download from the CADRE web site at **www.directionservice.org/cadre/idea/qaonmediation.pdf.**

Format: Brief report.

RESOURCE GUIDE (continued)

Brief Description: The report presents information focused on making mediation more accessible and responsive to families from culturally, economically, and linguistically diverse backgrounds. Sections include:

- What is mediation and who are the mediators?
- A typical mediation process.
- Education and culture.
- Policies and systems.
- Education and outreach.
- Mediation procedures and process.
- Mediators and practitioners.
- References and resources.

OSEP Memorandum: Questions and Answers on Mediation ☒

Author: Warlick, K.

Publication Date: 2000

Published By: Washington, DC: U.S. Department of Education.

Available From: The document is available online at: **www.ed.gov/offices/OSERS/OSEP/**. Or download it from the Consortium for Appropriate Dispute Resolution in Special Education (CADRE) web site at **www.directionservice.org/cadre/idea**.

Format: Brief report.

Brief Description: The U.S. Department of Education, Office of Special Education Programs (OSEP) answers 20 of the most commonly asked questions about mediation. Among the questions answered are:

- When is mediation available?
- How is mediation different from due process hearings?
- What is a mediator?
- How are mediators selected?
- Who may serve as a mediator?
- What are the benefits of mediation?

Appendix L-18

RESOURCE GUIDE (continued)

- Who may participate in the mediation meeting?
- Who pays for the mediation process?
- How long does the mediation process take?

Also available is an accompanying set of overheads referenced to each of the questions found in the memorandum (see the CADRE web site).

References

The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

Ahearn, E. (1994). ***Mediation and due process procedures in special education: An analysis of state policies.*** Alexandria, VA: National Association of State Directors of Special Education.

Beyer, J. (1999). A modest proposal: Mediating IDEA disputes without splitting the baby. ***Journal of Law and Education, 28***(1), 37-60.

Engiles, A. (2000). Considering special education mediation. ***TEACHING Exceptional Children, 32***(4), 92-93.

Engiles, A., Fromme, C., LeResche, D., & Moses, P. (1999). ***Keys to access: Encouraging the use of mediation by families from diverse backgrounds.*** Eugene, OR: CADRE.

Engiles, A., Peter, M., Quash-Mah, S., & Todis, B. (1996). ***Team based conflict resolution in special education.*** Eugene, OR: CADRE.

Feinberg, E., & Beyer, J. (2000). The role of attorneys in special education mediation. Eugene, OR: CADRE.

Goldberg, S., & Kuriloff, P. (1991). Evaluating the fairness of special education hearings. ***Exceptional Children***, 57(6), 546-555.

Morvant, M., & Zeller, R. (1997). *Oregon Dispute Resolution Study: Report of consumer satisfaction.* Eugene, OR: Western Regional Resource Center.

Suchey, N., & Huefner, D.F. (1998). The state complaint procedure under the Individuals with Disabilities Education Act. ***Exceptional Children,*** 64(4), 529-542.

RESOURCE GUIDE (continued)

Resources

The following resources include organizations and/or web sites that feature information on the topic of mediation. In most cases, OSEP has not reviewed the information available from these resources for consistency with IDEA and no endorsement by OSEP is implied. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

Consortium for Appropriate Dispute Resolution in Special Education (CADRE)

www.directionservice.org/cadre

Housed At: P.O. Box 51360, Eugene, OR 97405-0906, 541-686-5060, 541-284-4740 (TTY).

Brief Description: CADRE is an OSEP-funded program that provides technical assistance to State Departments of Education on implementation of the mediation requirements under IDEA. CADRE also provides the full continuum of dispute resolution options to administrators and parents. The site includes articles, resources, and resolution options for handling disputes. A number of reports and publications are found on the site including:

- Zeller, R. (2001). ***Mediation guide***. Eugene, OR: Consortium for Appropriate Dispute Resolution in Special Education. This document offers practice considerations for implementation of the IDEA mediation provisions. It includes a series of self-assessment questions.
- Windle, R., & Warren, S. (no date). ***Collaborative problem solving and dispute resolution in special education***. Eugene, OR: Consortium for Appropriate Dispute Resolution in Special Education.

Appendix L-19

RESOURCE GUIDE

Funding*

The exact amount spent on special education is unknown. Estimates suggest that federal special education funding accounts for approximately 12% of total educational funding (Parrish, 1996). Historical data show that the cost of special education has risen at a higher rate than the cost of general education (U.S. Department of Education, 1997). However, much of the growing expenditures has been attributed to rising identification rates (Parrish, 2000). Further, it is predicted that as educational expectations rise, more students will be seen as being in need of support services (Massell, 2001).

Major challenges related to funding that educational leaders face include determining the scope and cost of services needed to help all students meet high academic standards, raising and allocating sufficient resources in an equitable way, and developing more creative ways of using general and special education funds (Goertz, 1999).

What the Law Says

IDEA has funding provisions that require states to remove financial incentives that result in violating least restrictive environment requirements. Further, IDEA funding can be used for providing services to children with disabilities in regular classroom settings even if nondisabled children benefit as well.

A number of regulations relate to funding. Selected regulations on use of funds follow. [*Note*: Only portions of the regulations are provided here for your convenience.]

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*[*Please note that only the materials in this appendix which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

34 C.F.R. §300.130—Least restrictive environment.

a) **General.** The State must have on file with the Secretary procedures that ensure that the requirements of §§300.550-300.556 are met, including the provision in §300.551 requiring a continuum of alternative placements to meet the unique needs of each child with a disability.

(b) **Additional requirement.**

(1) If the State uses a funding mechanism by which the State distributes State funds on the basis of the type of setting where a child is served, the funding mechanism may not result in placements that violate the requirements of paragraph (a) of this section.

(2) If the State does not have policies and procedures to ensure compliance with paragraph (b)(1) of this section, the State must provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph.

(Authority: 20 U.S.C. 1412(a)(5))

34 C.F.R. §300.230—Use of amounts.

The LEA must have on file with the SEA information to demonstrate that amounts provided to the LEA under Part B of the Act-

(a) Will be expended in accordance with the applicable provisions of this part;

(b) Will be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with §§300.184-300.185; and

(c) Will be used to supplement State, local, and other Federal funds and not to supplant those funds.

(Authority: 20 U.S.C. 1413(a)(2)(A))

34 C.F.R. §300.233—Treatment of Federal funds in certain fiscal years.

(a)

(1) Subject to paragraphs (a)(2) and (b) of this section, for any fiscal year for which amounts appropriated to carry out section 611 of the Act exceeds $4,100,000,000, an LEA may treat as local funds up to 20 percent of the amount of funds it receives under Part B of the Act that exceeds the amount it received under Part B of the Act for the previous fiscal year.

(2) The requirements of §§300.230(c) and 300.231 do not apply with respect to the amount that may be treated as local funds under paragraph (a)(1) of this section.

(b) If an SEA determines that an LEA is not meeting the requirements of this part, the SEA may prohibit the LEA from treating funds received under Part B of the Act as local funds under paragraph (a)(1) of this section for any fiscal year, but only if it is authorized to do so by the State constitution or a State statute.

(Authority: 20 U.S.C. 1413(a)(2)(C))

Appendix L-19

RESOURCE GUIDE (continued)

34 C.F.R. §300.234—Schoolwide programs under Title I of the ESEA.

(a) General; limitation on amount of Part B funds used.

An LEA may use funds received under Part B of the Act for any fiscal year to carry out a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965, except that the amount used in any schoolwide program may not exceed—

(1)

(i) The amount received by the LEA under Part B for that fiscal year; divided by

(ii) The number of children with disabilities in the jurisdiction of the LEA; and multiplied by

(2) The number of children with disabilities participating in the schoolwide program.

(b) Funding conditions. The funds described in paragraph (a) of this section are subject to the following conditions:

(1) The funds must be considered as Federal Part B funds for purposes of the calculations required by §§300.230(b) and (c).

(2) The funds may be used without regard to the requirements of §300.230(a).

(c) Meeting other Part B requirements. Except as provided in paragraph (b) of this section, all other requirements of Part B must be met by an LEA using Part B funds in accordance with paragraph (a) of this section, including ensuring that children with disabilities in schoolwide program schools—

(1) Receive services in accordance with a properly developed IEP; and

(2) Are afforded all of the rights and services guaranteed to children with disabilities under the IDEA.

(Authority: 20 U.S.C. 1413(a)(2)(D))

34 C.F.R. §300.235—Permissive use of funds.

(a) **General.** Subject to paragraph (b) of this section, funds provided to an LEA under Part B of the Act may be used for the following activities:

(1) **Services and aids that also benefit nondisabled children.** For the costs of special education and related services and supplementary aids and services provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.

(2) **Integrated and coordinated services system.** To develop and implement a fully integrated and coordinated services system in accordance with §300.244.

(b) **Non-applicability of certain provisions.** An LEA does not violate §§300.152, 300.230, and 300.231 based on its use of funds provided under Part B of the Act in accordance with paragraphs (a)(1) and (a)(2) of this section.

(Authority: 20 U.S.C. 1413(a)(4))

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RESOURCE GUIDE (continued)

34 C.F.R. §300.620—Use of funds for State administration.

(a) For the purpose of administering Part B of the Act, including section 619 of the Act (including the coordination of activities under Part B of the Act with, and providing technical assistance to, other programs that provide services to children with disabilities)-

(1) Each State may use not more than twenty percent of the maximum amount it may retain under §300.602(a) for any fiscal year or $500,000 (adjusted by the cumulative rate of inflation since fiscal year 1998, as measured by the percentage increase, if any, in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor), whichever is greater; and

(2) Each outlying area may use up to five percent of the amount it receives under this section for any fiscal year or $35,000, whichever is greater.

(b) Funds described in paragraph (a) of this section may also be used for the administration of Part C of the Act, if the SEA is the lead agency for the State under that part.

(Authority: 20 U.S.C. 1411(f)(2))

34 C.F.R. §300.621—Allowable costs.

(a) The SEA may use funds under §300.620 for—

(1) Administration of State activities under Part B of the Act and for planning at the State level, including planning, or assisting in the planning, of programs or projects for the education of children with disabilities;

(2) Approval, supervision, monitoring, and evaluation of the effectiveness of local programs and projects for the education of children with disabilities;

(3) Technical assistance to LEAs with respect to the requirements of Part B of the Act;

(4) Leadership services for the program supervision and management of special education activities for children with disabilities; and

(5) Other State leadership activities and consultative services.

(b) The SEA shall use the remainder of its funds under §300.620 in accordance with §300.370.

(Authority: 20 U.S.C. 1411(f)(2))

34 C.F.R. §300.622—Subgrants to LEAs for capacity-building and improvement.

In any fiscal year in which the percentage increase in the State's allocation under 611 of the Act exceeds the rate of inflation (as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor), each State shall reserve, from its allocation under 611 of the Act, the amount described in §300.623 to make subgrants to LEAs, unless that amount is less than $100,000, to assist them in providing direct services and in making systemic change to improve results for children with disabilities through one or more of the following:

RESOURCE GUIDE (continued)

(a) Direct services, including alternative programming for children who have been expelled from school, and services for children in correctional facilities, children enrolled in State-operated or State-supported schools, and children in charter schools.

(b) Addressing needs or carrying out improvement strategies identified in the State's Improvement Plan under subpart 1 of Part D of the Act.

(c) Adopting promising practices, materials, and technology, based on knowledge derived from education research and other sources.

(d) Establishing, expanding, or implementing interagency agreements and arrangements between LEAs and other agencies or organizations concerning the provision of services to children with disabilities and their families.

(e) Increasing cooperative problem-solving between parents and school personnel and promoting the use of alternative dispute resolution.

(Authority: 20 U.S.C. 1411(f)(4)(A))

34 C.F.R. §300.623—Amount required for subgrants to LEAs.

For each fiscal year, the amount referred to in §300.622 is—

(a) The maximum amount the State was allowed to retain under §300.602(a) for the prior fiscal year, or, for fiscal year 1998, 25 percent of the State's allocation for fiscal year 1997 under section 611; multiplied by

(b) The difference between the percentage increase in the State's allocation under this section and the rate of inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

(Authority: 20 U.S.C. 1411(f)(4)(B))

34 C.F.R. §300.624—State discretion in awarding subgrants.

The State may establish priorities in awarding subgrants under §300.622 to LEAs competitively or on a targeted basis.

(Authority: 20 U.S.C. 1411(f)(4)(A))

RESOURCE GUIDE (continued)

What Research Says

With the exception of calls for full funding for special education, much of the literature concerning funding describes how district administrators must comply with IDEA requirements. Issues related to funding have surfaced and include: dealing with fluctuations in enrollment that make it difficult to anticipate funding, lack of control by building principals over the amount of funding received, inflexible accountability requirements that undermine unification of services, and burdensome paperwork requirements.

- McLaughlin & Verstegen, 1998.
- Patterson, Marshall, & Bowling, 2000.

Special education funding formulas that differentiate funding based on categories of disability appear to have a link with the overidentification of minority students for mental retardation and with the lower funding levels of high minority districts (Parrish, 2000). With regard to the costs of particular placements, data are not available. However, experts doing work in the area have called for research that compares the cost effectiveness of placements in which services are delivered to the child in a regular education setting with traditional pull-out placements.

- Goertz, 1999.
- Hasazi, Johnston, Liggett, & Schattman, 1994.
- Hunt & Goetz, 1997.
- Odom, 2000.

Materials that Address Funding

IDEA Section 619 FY98—Funding Allocation

Author: Mid-South Regional Resource Center

Publication Date: 1998

Published By: Lexington, KY: Mid-South Regional Resource Center, Interdisciplinary Human Development Institute

Available From: Mid-South Regional Resource Center, Interdisciplinary Human Development Institute, University of Kentucky, One Quality Street, Lexington, KY

Appendix L-19

RESOURCE GUIDE (continued)

40506, 859-257-4921, 859-257-2903 (TTY), **www.ihdi.uky.edu/msrrc/**. Also available on the NICHCY site at **www.nichcy.org**.

Format: Flow chart.

Brief Description: The flow chart summarizes, in general terms, the flow of IDEA Section 619 funds from the federal appropriation to the local level.

A Look at Changes in the Finance Provisions for Grants to States Under the IDEA Amendments of 1997

Author: Verstegen, D., Parrish, T., & Wolman, J.

Publication Date: Winter 1997-1998

Published By: Palo Alto, CA: Center for Special Education Finance, American Institutes for Research

Available From: The document can be downloaded from the NICHCY web site at **www.nichcy.org**. Or contact the Center for Special Education Finance, American Institutes for Research, 1791 Arastradero Road, Palo Alto, CA 94304, 650-843-8136, **www.csef.air.org**.

Format: Brief article.

Brief Description: The article describes funding provisions in IDEA. Topics include:

- Grants to states.
- State Education Agency (SEA) allocations, including state set-aside monies, state administration, state services and direct support, and mandated grants to local education agencies (LEA).
- Fiscal policy provisions, including placement neutrality, benefits for nondisabled students, schoolwide programs, SEA fiscal accountability provisions, and LEA fiscal accountability provisions.

Appendix L-19

RESOURCE GUIDE (continued)

References

The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

Goertz, M. (1999). Funding general and special education in the 21st century. ***Journal of Special Education Leadership, 12***(1), 15-20.

Hasazi, S., Johnston, A., Liggett, A., & Schattman, R. (1994). A qualitative policy study of the least restrictive environment provision of the Individuals with Disabilities Education Act. ***Exceptional Children, 60***(6), 491-507.

Hunt, P., & Goetz, L. (1997). Research on inclusive educational programs, practices, and outcomes for students with severe disabilities. ***The Journal of Special Education, 31***(1), 3-29.

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McLaughlin, M.J., & Verstegen, D.A. (1998). Increasing regulatory flexibility of special education programs: Problems and promising strategies. ***Exceptional Children, 64***(3), 371-384.

Odom, S. (2000). Preschool inclusion: What we know and where we go from here. ***Topics in Early Childhood Special Education, 20***(1), 20-27.

Parrish, T. (2000). ***Disparities in the identification, funding, and provision of special education***. Cambridge, MA: The Civil Rights Project, Harvard University. [Paper may be downloaded from the Civil Rights Project's web site at **http://www.law.harvard.edu/civilrights/conferences/SpecEd/parrishpaper2.html**.]

Parrish, T. (1996). Special education finance: Past, present, and future. ***Journal of Education Finance, 21***, 451-476.

Patterson, J., Marshall, C., & Bowling, D. (2000). Are principals prepared to manage special education dilemmas? ***NASSP Bulletin, 84***(613), 9-20.

U.S. Department of Education, Office of Special Education Programs (1997). The costs of special education. In the ***Nineteenth Annual Report to Congress on the Implementation of the IDEA***. Washington, DC: Author. ☒

Appendix L-19

RESOURCE GUIDE (continued)

Resources

The following resources include organizations and/or web sites that feature information on the topic of funding. In most cases, OSEP has not reviewed the information available from these resources for consistency with IDEA and no endorsement by OSEP is implied. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

Center for Special Education Finance *(CSEF)*

http://csef.air.org

Housed At: American Institutes for Research, 1791 Arastradero Road, Palo Alto, CA 94304, 650-843-8136.

Brief Description: The OSEP-funded center addresses fiscal policy questions and information needs related to the delivery and support of special education services. CSEF has conducted a variety of policy relevant studies in special education finance. The web site contains a variety of resources including:

- Links to the IDEA 1999 Regulations related to finance.
- Annotated bibliographies.
- Reports, policy papers, and other publications.
- Links to other resources on funding.
- Profiles of special education funding in selected states.
- Frequently asked questions.

Appendix* L-20

RESOURCE GUIDE

Charter Schools*

The number of charter schools in the U.S. continues to increase. Charter schools vary widely across states with regard to the level of operational autonomy granted and the degree to which students with disabilities are specifically addressed (Fiore & Cashman, 1998). To be successful in educating all students, charter school administrators must address a variety of issues related to special education, including equitable enrollment of students with disabilities, determination of special education eligibility, provision of special education and related services, and transportation needs. Administrators generally have additional questions related to implementation, such as funding, due process, and accountability.

What the Law Says

IDEA has clarified issues related to children with disabilities in charter schools that are considered to be part of a local education agency. IDEA addresses the responsibilities public charter schools have for students with disabilities in the following ways. [*Note*: Only portions of the regulations are provided here for your convenience.]

34 C.F.R. §300.18—Local educational agency.

(a) As used in this part, the term **local educational agency** means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

(b) The term includes-

(1) An educational service agency, as defined in §300.10;

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*[*Please note that only the materials in this appendix which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

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RESOURCE GUIDE (continued)

(2) Any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public charter school that is established as an LEA under State law; and

(3) An elementary or secondary school funded by the Bureau of Indian Affairs, and not subject to the jurisdiction of any SEA other than the Bureau of Indian Affairs, but only to the extent that the inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under this Act with the smallest student population.

(Authority: 20 U.S.C. 1401(15))

34 C.F.R. §300.2—Applicability of this part to State, local, and private agencies.

(a) **States**. This part applies to each State that receives payments under Part B of the Act.

(b) **Public agencies within the State**. The provisions of this part—

(1) Apply to all political subdivisions of the State that are involved in the education of children with disabilities, including -

(i) The State educational agency (SEA);

(ii) Local educational agencies (LEAs), educational service agencies (ESAs), and public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA;

(iii) Other State agencies and schools (such as Departments of Mental Health and Welfare and State schools for children with deafness or children with blindness);

(iv) State and local juvenile and adult correctional facilities; and

(2) Are binding on each public agency in the State that provides special education and related services to children with disabilities, regardless of whether that agency is receiving funds under Part B.

(c) **Private schools and facilities**. Each public agency in the State is responsible for ensuring that the rights and protections under Part B of the Act are given to children with disabilities—

(1) Referred to or placed in private schools and facilities by that public agency; or

(2) Placed in private schools by their parents under the provisions of §300.403(c).

(Authority: 20 U.S.C. 1412)

34 C.F.R. §300.22—Public agency.

As used in this part, the term **public agency** includes the SEA, LEAs, ESAs, public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA, and any other political subdivisions of the State that are responsible for providing education to children with disabilities.

(Authority: 20 U.S.C. 1412(a)(1)(A), (a)(11))

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RESOURCE GUIDE (continued)

34 C.F.R. §300.312—Children with disabilities in public charter schools.

(a) Children with disabilities who attend public charter schools and their parents retain all rights under this part.

(b) If the public charter school is an LEA, consistent with §300.17, that receives funding under §§300.711-300.714, that charter school is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity.

(c) If the public charter school is a school of an LEA that receives funding under §§300.711-300.714 and includes other public schools-

(1) The LEA is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity; and

(2) The LEA must meet the requirements of §300.241.

(d)(1) If the public charter school is not an LEA receiving funding under §§300.711-300.714, or a school that is part of an LEA receiving funding under §§300.711-300.714, the SEA is responsible for ensuring that the requirements of this part are met.

(2) Paragraph (d)(1) of this section does not preclude a State from assigning initial responsibility for ensuring the requirements of this part are met to another entity; however, the SEA must maintain the ultimate responsibility for ensuring compliance with this part, consistent with §300.600.

(Authority: 20 U.S.C. 1413(a)(5))

34 C.F.R. §300.241—Treatment of charter schools and their students.

The LEA must have on file with the SEA information to demonstrate that in carrying out this part with respect to charter schools that are public schools of the LEA, the LEA will—

(a) Serve children with disabilities attending those schools in the same manner as it serves children with disabilities in its other schools; and

(b) Provide funds under Part B of the Act to those schools in the same manner as it provides those funds to its other schools.

(Authority: 20 U.S.C. 1413(a)(5))

What Research Says

Students with mild disabilities are being enrolled in charter schools; however, they may be underidentified (e.g., school staff may not refer students to special education because students are already receiving individualized support). Prevalence rates range from 7.4 percent to 12.6 percent. Charter school enrollment of students with more significant disabilities is relatively rare, except in schools specifically designed for

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these students. Some charter schools specifically recruit students with disabilities.

- Finn, Manno, & Bierlein, 1996.
- Fiore, Harwell, Blackorby, & Finnigan, 2000.
- Fiore, Warren, & Cashman, 1998.
- Vanourek, Manno, Finn, & Bierlein, 1997.

Although no evidence has been reported showing that special education programs cause charter schools to be fiscally unstable, funding of special education services is a critical issue to charter school administrators. Many administrators in charter schools report being unfamiliar with special education and its funding process. Charter school personnel have cited funding issues related to providing specialized services, bringing buildings up to ADA requirements and removing physical barriers, providing assessments, and offering staff development. In addition, charter school staff have identified several barriers to accessing funds and services, including: reporting of enrollment and eligibility data, time and costs of applying for funding, and lack of communication between the charter school and the local education agency.

- Fiore, Warren, & Cashman, 1998.
- U.S. Government Accounting Office, 1997.

The implications of different instructional models found in charter schools on the learning and progress of students with disabilities are largely unknown. Charter schools with a single, specialized curriculum and instructional approach may have difficulty serving some students with disabilities. When one approach is available in a charter school and this approach is not aligned with a student's needs or learning abilities, the charter school may have difficulty developing and implementing an appropriate IEP.

- Fiore, Warren, & Cashman, 1998.
- McKinney & Mead, 1996.

Charter school administrators tend not to be conversant with the requirements of IDEA or other federal disability laws. Further, lack of communication between the charter school administrator and the local education agency may contribute to insufficient technical expertise related to special education.

- Fiore, Warren, & Cashman, 1998.
- U.S. Government Accounting Office, 1995.

Materials that Address Charter Schools

Charter Schools and Students with Disabilities: Review of Existing Data ☒

Author: Fiore, T., Warren, S., & Cashman, E.

Publication Date: 1998

Published By: Washington, DC: Office of Educational Research and Improvement, U.S. Department of Education

Available From: U.S. Department of Education web site at **www.ed.gov/pubs/chartdisab.**

Format: 33-page report.

Brief Description: The report summarizes the professional literature on selected issues related to charter schools and special education, including:

- Enrollment.
- Parent choice and satisfaction.
- Financing special education.
- Instruction.
- Due process and the provision of a free appropriate public education.
- Accountability.
- Technical and business expertise.
- Coordination with local education agencies and state education agencies.

An annotated bibliography of selected references is included.

Applying Federal Civil Rights Laws to Public Charter Schools: Questions and Answers ☒

Author: U.S. Department of Education, Office for Civil Rights (OCR)

Publication Date: 2000

Published By: Washington, DC: Author

Available From: May be downloaded from the Federal Resource Center (FRC) web site at **www.dssc.org/frc/ocr.htm.**

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RESOURCE GUIDE (continued)

Format: Brief report in question and answer format.

Brief Description: The document presents a summary of civil rights issues applicable to public schools. Questions 23-30 address issues related to educating students with disabilities in charter schools, including civil rights requirements, federal funding, limiting participation of students, and ensuring the least restrictive environment.

References

The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

Anthony, P.G. (1999). Massachusetts Charter Schools and Special Education. Are they meeting the challenge? *Journal of Special Education Leadership, 12*(1), 21-30.

Finn, C., Manno, B., & Bierlein, L. (1996). *Charter schools in action: What have we learned?* Washington, DC: Hudson Institute.

Fiore, T., Harwell, L., Blackorby, J., & Finnigan, K. (2000). *Charter schools and students with disabilities: A national study*. Washington, DC: Office of Educational Research and Improvement, U.S. Department of Education.

Fiore, T., & Cashman, E. (1998). *Review of charter school legislation provisions related to students with disabilities*. Washington, DC: Office of Educational Research and Improvement, U.S. Department of Education.

Fiore, T., Warren, S., & Cashman, E. (1998). *Charter schools and students with disabilities: Review of existing data*. Washington, DC: Office of Educational Research and Improvement, U.S. Department of Education. ☒

McKinney, J., & Mead, J. (1996). Law and policy in conflict: Including students with disabilities in parental-choice programs. *Educational Administration Quarterly, 32*(1), 107-141.

U.S. Government Accounting Office (1997). *Charter schools: Issues affecting access to federal funds*. Hearing before the Subcommittee on Early Childhood, Youth, and Families, Committee on Education and the Workforce, U.S. House of Representatives.

U.S. Government Accounting Office (1995). *Charter schools: New models for public schools provides opportunities and challenges*. Report to the Subcommittee on Labor, Health, and Human Services, Education, and Related Agencies, U.S. Senate.

Vanourek, G., Manno, B., Finn, C., & Bierlein, L. (1997). *Charter schools as seen by those who know them best: Students, teachers, and parents*. Washington, DC: Hudson Institute. [ERIC Document Reproduction Service No. ED 409 650.]

Pathway Guide*

*[*Please note that only the materials in this Pathway Guide which have been marked with an ▣ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education. Also, please note that because several of the documents referenced herein pre-date the passage of the No Child Left Behind Act of 2001 (NCLB) (passed January 8, 2002) and its implementing regulations, they do not address the requirements of NCLB. For information on NCLB, see* ***www.ed.gov****.]*

Individualized Education Program

Inside this Pathway Guide*

The purpose of this Pathway Guide is to connect users to materials that discuss the IEP provisions in IDEA that are related to supporting achievement for children with disabilities. To this end, the Pathway Guide is designed to expand users' knowledge about the IEP provisions in IDEA and is organized into the following sections:

- **Section 1: Introduction**: Use this section to orient yourself to the topic of IEPs.
- **Section 2: Connections to the Law**: Use this section to locate the 1999 IDEA Regulations—presented verbatim—related to IEPs.
- **Section 3: Connections to Relevant Materials**: Use this section to locate information on how IDEA addresses IEPs. Also included are suggestions—called Information Builders—for sharing the materials with colleagues and others in the context of informal interchanges, professional development sessions, and/or meetings.

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- **Section 4: Connections to Web-Based Resources**: Use this section to find additional web-based resources and information on IEPs.
- **Section 5: Connections to References**: Use this section to find citations for all resources used in this Pathway Guide.
- **Appendix**: Use this section to find resource tools, blackline masters for making transparencies and handouts, and Resource Guides.

No matter your role and responsibility—service provider, administrator, parent, policymaker, and/or an individual who desires a more extensive understanding of IEPs—you can use the following information in this Pathway Guide to enhance your knowledge and/or the knowledge of others about the provisions in IDEA related to IEPs.

Section 1: Introduction*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

Since 1975, when the U.S. Congress enacted the Education for All Handicapped Children Act (P.L. 94-142), the individualized education program (IEP) has been at the heart of federal efforts to ensure a free appropriate public education to children with disabilities. Each public school child who receives special education and related services must have an IEP. IEPs are required under IDEA Part B for children age 3 through 21, and Individualized Family Service Plans (IFSP) are required under IDEA Part C for children from birth through age three. [*Note*: If state policy allows and the school district/public agency and the parents agree, an IFSP may serve as an IEP when certain conditions are met. When an IFSP is used for a preschooler, Part B IEP procedures must be followed in developing an IFSP (Walsh, Smith, & Taylor, 2000).]

The IEP is the cornerstone of a quality education for each child with a disability. To this end, each IEP must be designed for one student and must be a truly individualized document. The IEP creates an opportunity for teachers, parents, school administrators, related services personnel, and students (when appropriate) to work together to improve educational results for children with disabilities.

The requirement for an IEP is more than two decades old. In the 1997 IDEA, Congress reaffirmed the centrality of the IEP to supporting achievement for students with disabilities.

Many IEP provisions remained the same; however, several new and/or enhanced provisions related to student achievement were included. Among those are:

- **Participation in and progress in the general curriculum**. In enacting the IDEA Amendments of 1997, the Congress found that research, demonstration, and practice during the past 20 years in special education and related disciplines have shown that an effective educational system now and in the future must maintain high academic standards and clear performance goals for children with disabilities, consistent with the standards and expectation for all students in the educational system, and provide for appropriate and effective strategies and methods to ensure that students who are children with disabilities have maximum opportunities to achieve those standards and goals. IDEA places significant emphasis on helping children with disabilities, at an individually appropriate level, participate and progress in the general curriculum. The IEP must include specifically designed instruction, and supplemental aids and services, that the child needs to access the general curriculum, as well as identify any supports that service providers need to carry out the child's program. Integrating IEPs with the general curriculum is enhanced with the involvement of regular education teachers in the IEP process. IDEA requires that at least one regular education teacher of the student be a member of the IEP team, if the student is, or may be, participating in the regular education environment.
- **Involvement of parents and students, together with regular and special education personnel, in making individual decisions to support each student's educational success**. IDEA provides an opportunity to strengthen the role of parents by expanding opportunities for parents and key public agency staff (e.g., special educators, regular educators, related service providers, early intervention service providers, etc.) to work together.
- **Preparation of students with disabilities for postschool activities**. A primary purpose of IDEA is to "... ensure that all students with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living...". 34 C.F.R. §300.1 (a). IDEA promotes "... improved educational results for students with disabilities through early intervention, preschool, and educational experiences that prepare them for later educational challenges and employment" [H. Rep. No. 105-95, p.82 (1997); S. Rep. No. 105-17, p.4 (1997)]. Thus, throughout their preschool, elementary, and secondary education, the IEPs for children with disabilities must, to the extent appropriate for each individual student, focus on providing instruction and experiences that enable the student to prepare himself or herself for later educational experiences and for postschool activities.

For an overview of changes related to IEPs in the 1999 IDEA Regulations, you are encouraged to review:

Silverstein, R. (May 7, 1999). ***A user's guide to the 1999 IDEA Regulations.*** Washington, DC: The George Washington University Medical Center (pp. 16-20). ☒

[*Note*: Information concerning availability of the document is found in the Core Module.]

Section 2: Connections to the Law*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

An understanding of IEPs begins with thorough knowledge of the IDEA provisions. This section connects you to the IDEA provisions on IEP as stated in the 1999 Regulations. The provisions selected for this section relate to how the IEP may support achievement for children with disabilities.

The section begins with a listing of the regulatory provisions. The provisions are organized by questions—such as "What does IDEA say about...?"—followed by the actual IDEA section number and text. [*Note*: The organizing questions are not regulatory language.]

Only portions of the regulations are provided here for your convenience. The entire statute and regulations are available electronically. You are encouraged to use the ***Discover IDEA CD 2002*** or the ASPIIRE/ILIAD web site at **www.ideapractices.org** to navigate your search of relevant sections on IEPs. You also are encouraged to take advantage of the enhancement capability of these two resources to guide your search. For example, for selected provisions, these resources allow you to click on additional information about it (e.g., analysis of comments, discussions, and changes). To do this, click on a section of the regulations that pertain, in this case, to individualized education program (a magnifying glass icon will guide you). Each regulation is presented, followed by a discussion entitled, Analysis of Comments, Discussions, and Changes. This discussion provides a summary of relevant information that helped to inform the writing of the particular regulation.

IEP: IDEA Regulations

The regulatory provisions on IEPs required by IDEA follow.

How does IDEA define an IEP?

34 C.F.R. §300.340—Definition of an IEP.

(a) Individualized education program. As used in this part, the term individualized education program or IEP means a written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.341-300.350.

(b) Participating agency. As used in §300.348, participating agency means a State or local agency, other than the public agency responsible for a student's education, that is financially and legally responsible for providing transition services to the student.

(Authority: 20 U.S.C. 1401(11), 1412(a)(10)(B))

What is the responsibility of the SEA and other public agencies for IEPs?

34 C.F.R. §300.341—Responsibility of SEA and other public agencies for IEPs.

(a) The SEA shall ensure that each public agency—

(1) Except as provided in §§300.450-300.462, develops and implements an IEP for each child with a disability served by that agency; and

(2) Ensures that an IEP is developed and implemented for each eligible child placed in or referred to a private school or facility by the public agency.

(b) Paragraph (a) of this section applies to—

(1) The SEA, if it is involved in providing direct services to children with disabilities, in accordance with §300.370(a) and (b)(1); and

(2) Except as provided in §300.600(d), the other public agencies described in §300.2, including LEAs and other State agencies that provide special education and related services either directly, by contract, or through other arrangements.

(Authority: 20 U.S.C. 1412(a)(4), (a)(10)(B))

When must IEPs be in effect?

34 C.F.R. §300.342—When IEPs must be in effect.

(a) General. At the beginning of each school year, each public agency shall have an IEP in effect for each child with a disability within its jurisdiction.

(b) Implementation of IEPs. Each public agency shall ensure that-

(1) An IEP—

(i) Is in effect before special education and related services are provided to an eligible child under this part; and

(ii) Is implemented as soon as possible following the meetings described under §300.343;

(2) The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and

(3) Each teacher and provider described in paragraph (b)(2) of this section is informed of-

(i) His or her specific responsibilities related to implementing the child's IEP; and

(ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

(c) IEP or IFSP for children aged 3 through 5.

(1) In the case of a child with a disability aged 3 through 5 (or, at the discretion of the SEA a 2-year-old child with a disability who will turn age 3 during the school year), an IFSP that contains the material described in section 636 of the Act, and that is developed in accordance with §§ 300.341-300.346 and §§300.349-300.350, may serve as the IEP of the child if using that plan as the IEP is-

(i) Consistent with State policy; and

(ii) Agreed to by the agency and the child's parents.

(2) In implementing the requirements of paragraph (c)(1) of this section, the public agency shall-

(i) Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and

(ii) If the parents choose an IFSP, obtain written informed consent from the parents.

(d) Effective date for new requirements. All IEPs developed, reviewed, or revised on or after July 1, 1998 must meet the requirements of §§300.340-300.350.

(Authority: 20 U.S.C. 1414(d)(2)(A) and (B), Pub. L. 105-17, sec. 201(a)(2)(A), (C))

What are the requirements for initiating and conducting a meeting for the purposes of developing, reviewing, or revising IEPs?

34 C.F.R §300.343—IEP meetings.

(a) **General**. Each public agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability (or, if consistent with §300.342(c), an IFSP).

(b) **Initial IEPs; provision of services**.

(1) Each public agency shall ensure that within a reasonable period of time following the agency's receipt of parent consent to an initial evaluation of a child—

(i) The child is evaluated; and

(ii) If determined eligible under this part, special education and related services are made available to the child in accordance with an IEP.

(2) In meeting the requirement in paragraph (b)(1) of this section, a meeting to develop an IEP for the child must be conducted within 30-days of a determination that the child needs special education and related services.

(c) **Review and revision of IEPs**. Each public agency shall ensure that the IEP team—

(1) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

(2) Revises the IEP as appropriate to address -

(i) Any lack of expected progress toward the annual goals described in §300.347(a), and in the general curriculum, if appropriate;

(ii) The results of any reevaluation conducted under §300.536;

(iii) Information about the child provided to, or by, the

parents, as described in §300.533(a)(1);

(iv) The child's anticipated needs; or

(v) Other matters.

(Authority: 20 U.S.C. 1413(a)(1), 1414(d)(4)(A))

Who serves on the IEP team?

34 C.F.R. §300.344—The IEP team.

(a) **General**. The public agency shall ensure that the IEP team for each child with a disability includes—

(1) The parents of the child;

(2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

(3) At least one special education teacher of the child, or if appropriate, at least one special education provider of the child;

(4) A representative of the public agency who—

(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

(ii) Is knowledgeable about the general curriculum; and

(iii) Is knowledgeable about the availability of resources of the public agency;

(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of this section;

(6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(7) If appropriate, the child.

(b) **Transition services participants.**

(1) Under paragraph (a)(7) of this section, the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of—

(i) The student's transition services needs under §300.347(b)(1); or

(ii) The needed transition services for the student under §300.347(b)(2); or

(iii) Both.

(2) If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered.

(3)

(i) In implementing the requirements of §300.347(b)(2), the public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

(ii) If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

(c) **Determination of knowledge and special expertise.** The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section shall be made by the party (parents or public agency) who invited the individual to be a member of the IEP.

(d) **Designating a public agency representative.** A public agency may designate another public agency member of the IEP team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.

(Authority: 20 U.S.C. 1401(30), 1414(d)(1)(A)(7), (B))

What is the public agency's responsibility in ensuring parent participation in the IEP?

34 C.F.R. §300.345—Parent participation.

(a) **Public agency responsibility-general.** Each public agency shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including—

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

(2) Scheduling the meeting at a mutually agreed on time and place.

(b) **Information provided to parents.**

(1) The notice required under paragraph (a)(1) of this section must-

(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

(ii) Inform the parents of the provisions in §300.344(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child).

(2) For a student with a disability beginning at age 14, or younger, if appropriate, the notice must also-

(i) Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in §300.347(b)(1); and

(ii) Indicate that the agency will invite the student.

(3) For a student with a disability beginning at age 16, or younger, if appropriate, the notice must—

(i) Indicate that a purpose of the meeting is the consideration of needed transition services for the student required in §300.347(b)(2);

(ii) Indicate that the agency will invite the student; and

(iii) Identify any other agency that will be invited to send a representative.

(c) **Other methods to ensure parent participa-**

tion. If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) **Conducting an IEP meeting without a parent in attendance**. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its attempts to arrange a mutually agreed on time and place, such as—

(1) Detailed records of telephone calls made or attempted and the results of those calls;

(2) Copies of correspondence sent to the parents and any responses received; and

(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(e) **Use of interpreters or other action, as appropriate**. The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

(f) **Parent copy of child's IEP**. The public agency shall give the parent a copy of the child's IEP at no cost to the parent.

(Authority: 20 U.S.C. 1414(d)(1)(B)(i))

What must an IEP team consider when developing, reviewing, and/or revising an IEP?

34 C.F.R. §300.346—Development, review, and revision of an IEP.

(a) Development of IEP.

(1) General. In developing each child's IEP, the IEP team, shall consider—

(i) The strengths of the child and the concerns of the parents for enhancing the education of their child;

(ii) The results of the initial or most recent evaluation of the child; and

(iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

(2) Consideration of special factors. The IEP team also shall—

(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

(ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

(iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

(v) Consider whether the child requires assistive technology devices and services.

(b) Review and Revision of IEP. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider the factors described in paragraph (a) of this section.

(c) Statement in IEP. If, in considering the special factors described in paragraphs (a)(1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.

(d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of-

(1) Appropriate positive behavioral interven-

tions and strategies for the child; and

(2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with 300.347(a)(3).

(e) Construction. Nothing in this section shall be construed to require the IEP team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.

(Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

What must be contained in an IEP?

34 C.F.R. §300.347—Content of IEP.

(a) **General**. The IEP for each child with a disability must include-

(1) A statement of the child's present levels of educational performance, including—

(i) How the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled children); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to—

(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities; and

(ii) Meeting each of the child's other educational needs that result from the child's disability;

(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child-

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

(4) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(3) of this section;

(5)

(i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and

(ii) If the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of—

(A) Why that assessment is not appropriate for the child; and

(B) How the child will be assessed;

(6) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

(7) A statement of—

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—

(A) Their child's progress toward the annual goals; and

(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

(b) **Transition services**. The IEP must include—

(1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the

student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and

(2) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

(c) **Transfer of rights**. In a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.

(d) **Students with disabilities convicted as adults and incarcerated in adult prisons**. Special rules concerning the content of IEPs for students with disabilities convicted as adults and incarcerated in adult prisons are contained in §300.311(b) and (c).

(Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6)(A)(ii))

What are an agency's responsibilities for transition services?

34 C.F.R. §300.348—Agency responsibilities for transition services.

(a) If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with §300.347(b)(1), the public agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

(b) Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

(Authority: 20 U.S.C. 1414(d)(5); 1414(d)(1)(A)(vii))

What is required with regard to the IEP for a child who is referred or placed in a private school or facility by a public agency?

34 C.F.R. §300.349—Private school placements by public agencies.

(a) Developing IEPs.

(1) Before a public agency places a child with a disability in, or refers a child to, a private school or facility, the agency shall initiate and conduct a meeting to develop an IEP for the child in accordance with §§300.346 and 300.347.

(2) The agency shall ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, the agency shall use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.

(b) Reviewing and revising IEPs.

(1) After a child with a disability enters a private school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the private school or facility at the discretion of the public agency.

(2) If the private school or facility initiates and conducts these meetings, the public agency shall ensure that the parents and an agency representative—

(i) Are involved in any decision about the child's IEP; and (ii) Agree to any proposed changes in the IEP before those changes are implemented.

(c) Responsibility. Even if a private school or facility implements a child's IEP, responsibility for compliance with this part remains with the public agency and the SEA.

(Authority: 20 U.S.C. 1412(a)(10)(B))

Who is accountable for a child's IEP?

34 C.F.R. §300.350—IEP-Accountability.

(a) **Provision of services**. Subject to paragraph (b) of this section, each public agency must—

(1) Provide special education and related services to a child with a disability in accordance

with the child's IEP; and

(2) Make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

(b) **Accountability**. Part B of the Act does not require that any agency, teacher, or other person be held accountable if a child does not achieve the growth projected in the annual goals and benchmarks or objectives. However, the Act does not prohibit a State or public agency from establishing its own accountability systems regarding teacher, school, or agency performance.

(c) **Construction-parent rights**. Nothing in this section limits a parent's right to ask for revisions of the child's IEP or to invoke due process procedures if the parent feels that the efforts required in paragraph (a) of this section are not being made.

(Authority: 20 U.S.C. 1414(d)); Cong. Rec. at H7152 (daily ed., July 21, 1975))

If a child with a disability is incarcerated in an adult prison, how is his or her IEP modified?

34 C.F.R. §300.311—FAPE requirements for students with disabilities in adult prisons.

(a) Exception to FAPE for certain students. Except as provided in §300.122(a)(2)(ii), the obligation to make FAPE available to all children with disabilities does not apply with respect to students aged 18 through 21 to the extent that State law does not require that special education and related services under Part B of the Act be provided to students with disabilities who, in the last educational placement prior to their incarceration in an adult correctional facility-

(1) Were not actually identified as being a child with a disability under §300.7; and

(2) Did not have an IEP under Part B of the Act.

(b) Requirements that do not apply. The following requirements do not apply to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

(1) The requirements contained in §300.138 and §300.347(a)(5)(i) (relating to participation of children with disabilities in general assessments).

(2) The requirements in §300.347(b) (relating to transition planning and transition services), with respect to the students whose eligibility under Part B of the Act will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

(c) Modifications of IEP or placement.

(1) Subject to paragraph (c)(2) of this section, the IEP team of a student with a disability, who is convicted as an adult under State law and incarcerated in an adult prison, may modify the student's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

(2) The requirements of §§300.340(a) and 300.347(a) relating to IEPs, and 300.550(b) relating to LRE, do not apply with respect to the modifications described in paragraph (c)(1) of this section.

(Authority: 20 U.S.C. 1412(a)(1), 1414(d)(6))

Section 3: Connections to Relevant Materials*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

The purpose of this section is to connect users to relevant materials, some of which have been reviewed by OSEP for consistency with IDEA. The materials have been written for a number of different audiences—teachers, administrators, parents, and other stakeholders. Each day, stakeholders may need such information. Consider these possibilities:

- Because of your interest and knowledge of IDEA, a colleague has asked you a question about what his or her role should be on an IEP team.
- As a family liaison, you receive several inquiries from fellow parents about what they should expect in relation to requirements for reporting their children's progress.
- A fellow IEP team member is confused about whether the IEP needs to include a particular statement about transition needs and services and is looking to you and others for guidance.
- For your professional organization, you have been asked to lead a conference session on how IEPs support achievement by linking student goals and benchmarks to the general curriculum.
- In your teacher education methods course, a student asks your opinion about whether an IEP practice that is happening in his or her school district is covered in the law.
- Several staff members at the weekly morning personnel meeting inquire about new requirements related to regular educators' participation on IEP teams—and want to know what the administration plans to do to support them.
- As a related service provider you are asked to explain how IEP team members should consider assistive technology that may support a particular child in meeting his or her annual goals and progress in the general curriculum.

As someone with knowledge of IDEA, you may be comfortable answering these questions or knowing where to go for answers. In some of these cases, your response may be enhanced by a print or electronic document that you can share.

This section contains selected materials (e.g., print guides, frequently asked questions, CD-ROMs, booklets) related to IEPs, some of which have been reviewed by OSEP for consistency with IDEA. It is important to note while other quality materials exist, the ones chosen for inclusion in the ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package have particular applicability to administrators and service providers. This is not to say that family members, policymakers, and other stakeholders will not benefit from the material—indeed, many of the listings are relevant for all groups—but that the particular application of information will be most relevant given the roles and responsibilities of administrators and service providers.

For a listing of OSEP-reviewed products, visit the National Information Center for Children and Youth with Disabilities (NICHCY) at **www.nichcy.org**.

Organization of the Annotations—Relevant Materials

Information in the annotations is organized as follows:

- Name of the resource.
- Author.
- Publication date.
- Publisher.
- Availability. In many cases, the documents may be downloaded from links on the Internet. In a few cases, documents must be purchased. Information is given to that effect. More detailed ordering information can be found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.
- Format. Information is given about the resource, such as whether it is print- or media-based, number of pages (as appropriate), and availability in an alternate language (e.g., Spanish) or format (e.g., Braille).
- Brief description.
- Possible uses. A brief description of how to use and/or share the materials is offered. Occasionally, **Information Builders**—suggestions for activities that utilize the resource—will be offered. In some instances, tools (e.g., sample activities, blackline masters, handouts, and checklists) that may be used in the context of sharing the product are referenced. These tools are found in the appropriate appendix.

Annotated Materials

A Guide to the Individualized Education Program ☒

Author: U.S. Department of Education, Office of Special Education Programs (OSEP)

Publication Date: 2000

Published By: Washington, DC: U.S. Office of Special Education Programs

Available From: The guide is available online at: **www.ed.gov/offices/OSERS/OSEP/**. Or, if you prefer a printed copy, you may contact Ed Pubs, Editorial Publications Center, U.S. Department of Education, P.O. Box 1398, Jessup, MD 20794, 877-4-ED-PUBS (toll free), 800-437-0833 (TTY toll free). The guide may be downloaded from links on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. It also is found on the ***Discover IDEA CD 2002***.

Format: This 35-page guide is available in alternate formats (Braille, large print, audio cassette, or disk) by contacting: Director of the Alternate Format Center, 202-260-9895.

Brief Description: This guide explains the IEP process from development to implementation. It covers the following:

- How the IEP supports the basic special education process under IDEA.
- Content of the IEP.
- IEP team members.
- Writing the IEP.
- Deciding placement.

- Implementing the IEP.
- Reviewing and revising the IEP.
- What to do when parents do not agree with the IEP.

The guide also provides a sample IEP that includes an annotation of requirements under IDEA. [Important note: This sample IEP is intended only as an example and users should not assume that use of it in and of itself will ensure compliance with IDEA.] Final regulations for IEPs (§§300.340–300.350) are included.

Possible Uses: The guide was designed as a basic reference guide related to the IEP requirements in IDEA. Suggestions for using the guide to assist individuals in understanding the IEP provisions include the following Information Builders.

INFORMATION BUILDER I.a

Understand the Special Education Process

A prerequisite to any discussion of IEPs is an understanding of the special education process. Check the process used in your school or district against the process presented in the document (see pages 2-4) to ensure that all IDEA requirements are present. If you are working with a planning group, you may want to compare written procedures with the process presented in the document. Staff developers, study teams, or teacher educators may want to ascertain participants' prior knowledge about the IEP process by using the following warm-up activity. Distribute the handout (see **Appendix I-1**) to participants. Ask them to organize the steps into the correct order. Allow three minutes. Organize participants into small groups in which they share their results and create a final list. Allow five minutes. Invite groups to share their results. Present the correct sequence of steps in the process (see **Appendix I-2**) and discuss any discrepancies.

INFORMATION BUILDER I.b

Understand the Content of the IEP

Provisions in IDEA state what, by law, must be included at a minimum in a child's IEP. The document describes the 10 components (see **Appendix I-3**). Staff developers, study teams, or teacher educators may want to ascertain participants' prior knowledge about the contents of an IEP by using the following warm-up activity. First have participants generate a list of requirements. Compare the list to the one found in **Appendix I-3**. Next, activate participants' prior knowledge of these components. The activity is conducted as follows. Draw a web or use the transparency master found in **Appendix I-4** [*Note*: **Appendix I-4** contains a handout on which participants may collect their thoughts.] For each IEP component, invite participants to share everything they know —or think they know—about it. Record all ideas on the web by drawing lines from the idea to the related topic. At the end, either have participants read the information found in the document (pages 5-6) and relate it back to the information collected on the web, or move into a mini-presentation on the IEP components.

INFORMATION BUILDER I.c

Apply Your Knowledge of IDEA Requirements on an IEP Form

While the law states what information must be included in an IEP, it does not specify what the IEP should look like. Review the sample IEP form on pages 17-21 of the document. Note how the form reflects IDEA requirements. Next, using a form from your district—or if you are a staff developer or teacher educator, representative forms from selected districts—check for the presence of the requirements. [The list of requirements is found on pages 5 and 6 in the OSEP guide.] Discuss any requirements not present on the form.

INFORMATION BUILDER I.d

Identify IEP Team Members

By law, certain individuals must be involved in writing a child's IEP. Test your knowledge by taking the quiz in **Appendix I-5**. Or, if you are a staff developer, study team facilitator, or teacher educator, consider using the quiz as a warm-up activity. The answer key is: All are true. To extend knowledge on this topic, consider how each member may enhance his or her contributions to the IEP team. **Appendix I-6** contains a self-reflection survey that may be used by team members to assess their contributions.

Developing Educationally Relevant IEPs: A Technical Assistance Document for Speech-Language Pathologists ☒

Author: Brannen, S., Cooper, E., Dellegrotto, J., Disney, S., Eger, D., Ehren, B., Ganley, K., Isakson, C., Montgomery, J., Ralabate, P., Secord, W., & Whitmire, K.

Publication Date: 2000

Published By: American Speech-Language-Hearing Association, 10801 Rockville Pike, Rockville, MD 20852, 888-498-6699 (toll free), **www.asha.org**

Available From: The guide is available on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Format: Soft cover book.

Brief Description: The purpose of this guide is to provide information that will assist speech-language pathologists in their role in developing the IEP as IEP team members and in implementing those portions of the IEP for which they are responsible. Sections cover:

- Background information on IDEA. Also included is a side-by-side analysis of current legislation and regulations.
- Guidelines for developing educationally relevant IEPs.
- Implementation issues including collaboration and support for school personnel.

Samples of materials that support the development of educationally relevant IEPs are included in the appendix. These samples provide illustrations of how selected school districts and states are handling new requirements.

Possible Uses: The guide was intended as a technical assistance document for speech-language pathologists. However, information in the guide is applicable to other stakeholder groups. Suggestions for Information Builders that may be used with groups of speech-language pathologists and other stakeholders follow.

INFORMATION BUILDER I.e

Understand Selected Aspects of the Educational Process

IDEA affects how speech-language pathologists perform their duties. Although speech-language pathologists should be familiar with all aspects of the IEP process, several components hold special relevance for the provision of speech-language services. ***Developing Educationally Relevant IEPs*** provides an excellent overview of those provisions which may serve as a basis for a presentation or discussion. **Appendix I-7** contains a blackline master that may be used for these purposes.

To extend the discussion, reflect on how the IDEA provisions have expanded and changed the role of a speech-language pathologist. The questions found in **Appendix I-8** may be answered independently or in a group.

INFORMATION BUILDER I.f

Compare and Contrast IEPs

Compare and contrast the IEP form used in your school district with the sample IEPs and sections of IEPs that focus on speech-language goals and objectives found in the guide's appendices. Note any differences and consider whether your IEP form might need to be modified to accommodate new IDEA provisions.

Extend this activity by reviewing the curriculum-based checklists found in the guide. In order to make speech-language goals more curriculum oriented, school districts are developing checklists that link speech and language skills to curriculum-based indicators. Using the Hamilton County Educational Service Center Curriculum Based Communication Skills checklists in the appendix of the document, consider a particular child whom you serve. Compare the results from this checklist with information that you typically gather. This exercise may be adapted for groups in several ways. If working with an IEP team, ask members to rate the child on the checklist and compare results. If working with a planning group, compare this checklist with current assessment tools and discuss any changes that may enhance your process. If working with a training group, prepare a vignette (either print or video) of a child. Ask participants to form mock IEP teams and discuss possible annual goals and objectives for the child. Next present a completed checklist that is curriculum-based for the child and ask the participants to repeat the process. Discuss whether the information from the checklist enhanced the planning process, and if so, in what ways.

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INFORMATION BUILDER I.g

Understanding Measurable Annual Goals, Benchmarks, and Short-term Objectives

An article from the Nebraska Department of Education (Appendix B in the document) explaining these concepts has been reprinted in the guide. The article is written in nontechnical language, and as a result, makes an excellent study guide, handout, or course resource for a variety of stakeholders to use when becoming familiar with the contents of an IEP.

INFORMATION BUILDER I.h

Supporting Implementation

In many cases, the IDEA IEP requirements will necessitate changes at the local level. At a minimum, IEP team members—especially regular education teachers—will require an understanding of the IEP process. The guide summarizes the types of support that educators may consider when planning to implement the recommendations in this document for developing educationally relevant IEPs. Use the discussion guide in **Appendix I-9** with school planning teams and others responsible for implementation. If this topic arises in the course of a workshop or course, ask participants to brainstorm practical suggestions for each of the areas. This activity may be executed in the following ways. Write each of the topics (e.g., regular education teacher involvement, staff development, collaboration skills, time, other support) on a separate sheet of newsprint. Organize participants into groups. Give a sheet of newsprint to each group and ask them to brainstorm practical suggestions. Allow five minutes for group discussion. When the time is up, ask the groups to exchange their newsprint. Continue the process until all of the groups have had a chance to respond to each topic. Post the newsprint sheets around the room and invite participants to review them.

Directory of Bilingual School Psychologists 2000

Author: National Association of School Psychologists

Publication Date: 2000

Published By: Bethesda, MD: National Association of School Psychologists

Available From: National Association of School Psychologists, 4340 East West Highway, Suite 402, Bethesda, MD 20814, 301-657-0270, 301-657-4155 (TTY), **www.nasponline.org**

Format: Soft cover booklet.

Brief Description: IDEA provides that evaluations must be conducted in the child's native language or other mode of communication. This directory is a resource for school districts and others who wish to employ bilingual psychologists to conduct assessments or provide counseling and consulting services to non-English speaking students and their families. The directory is organized by language. Within each language grouping, the list is organized by state. Each entry includes the psychologist's name, contact information, certification and licensure status, age of client the psychologist works with, and fees.

The individuals listed in the directory responded to a national survey. It is important to note that NASP does not endorse individuals listed in the directory nor guarantee accuracy of information. However, individuals did sign a statement attesting to the accuracy of the information.

Possible Uses: The directory was intended as a quick reference guide for districts requiring the services of bilingual school psychologists. To this end, it is an excellent resource to have on hand to refer to as necessary. Suggestions for Information Builders follow.

INFORMATION BUILDER I.i

Share the Directory with the Director of Special Education

Make sure that key individuals in your district know about this resource. Find out how your district addresses bilingual needs as they relate to IEP responsibilities.

INFORMATION BUILDER I.j

Review the Listings for Your State

Make a list of the different languages spoken in your school district and consult the directory for references. Contact individuals and learn more about the services that they offer.

INFORMATION BUILDER I.k

How Many Languages Are Spoken Here?

When working with a group, begin the discussion about the need for bilingual school psychologist services by engaging participants in an activity in which they activate their prior knowledge about languages. Ask participants to take five minutes and independently write as many languages as they know exist in school-aged children in their school district (or in the U.S.). When time is up, ask participants to count how many answers they have. Show the guide and state that there are 59 languages featured in it. Ask participants to form small groups, share their lists, and try to come up with all 59. Allow five or more minutes. Share the list of languages found in the book (see **Appendix I-10**). Discuss languages that appear on participants' lists that are not featured in the book. As an extension, have ready a list of all languages spoken by children in your district or area. Also, check with your county to see if they have census information that may be linked to the discussion.

IDEA Requirements for Preschoolers with Disabilities: IDEA Early Childhood Policy and Practice Guide ☒

Author: Walsh, S., Smith, B., & Taylor, R.

Publication Date: 2000

Published By: Division for Early Childhood of the Council for Exceptional Children

Available From: The guide is available in html and PDF formats on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Order the guide in print form from the Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Format: Soft cover booklet.

Brief Description: The guide features a section on individualized education programs or individualized family service plans (IFSP) in question and answer format. In addition, the notes from the Division for Early Childhood (DEC) provide suggestions on implementing IEP requirements with preschool-aged children.

Possible Uses: The guide is a reference tool for individuals concerned with early childhood issues related to Part B of IDEA. [*Note*: Individuals who are interested in the full range of early childhood issues—birth through five years of age—are encouraged to review Part C of the IDEA. Part C addresses infants and toddlers with disabilities, ages birth through two. The ***Discover IDEA CD 2002*** contains the regulations for Part C.] The following Information Builders are offered for use in workshops and study teams.

INFORMATION BUILDER I.1

Compare IEPs with IFSPs

If you are working in a school setting, obtain a blank copy of an IEP and an IFSP. Compare and contrast the content in each. If you are working with colleagues in a group setting, continue the discussion by reviewing the Note from DEC on page 24 that suggests that, if agreeable to the parents and permissible under state law, an IFSP be used for the individualized plan for a preschooler with a disability. Discuss the pro's and con's of this recommendation.

To extend the discussion, review the chapter, *Using IFSPs with Preschoolers*, which is in the ***Twentieth Annual Report To Congress on the Implementation of the Individuals with Disabilities Education Act*** (1998). [The report is available on the ASPIIRE/ILIAD web site at **www.ideapractices.org**, on the OSEP web site at **http://www.ed.gov/offices/OSERS/OSEP/**, and the NICHCY web site at **www.nichcy.org**.] Discuss the advantages to using IFSPs. Also, consider the barriers to implementing IFSPs and suggest strategies to eliminate them.

INFORMATION BUILDER I.m

Do Personnel Standards Enhance Participation of IEP Team Members?

Throughout the discussion on IEPs and IFSPs, DEC notes the importance of personnel standards. Go to the DEC web site at **www.dec-sped.org** and view the policies, position statements, and concept papers sections. Find the DEC position paper, ***Personnel Standards for Early Education and Early Intervention: Guidelines for Licensure In Early Childhood Special Education***. After reading the statement, discuss with your colleagues or participants how meeting the standards may enhance an individual's participation on an IEP team.

Individualized Education Programs: Briefing Paper ☒

Author: National Information Center for Children and Youth with Disabilities (NICHCY)

Publication Date: September 1999

Published By: Washington, DC: Author

Available From: Download from NICHCY web site at **www.nichcy.org**. Or contact NICHCY at P.O. Box 1492, Washington, DC 20013, 800-695-0285 (toll free voice or TTY).

Format: Self cover, 32-page briefing guide.

Brief Description: This guide covers the legal requirements for developing an IEP. Information is presented as questions and answers and is organized around the following topics:

- Involvement and progress of each child with a disability in the general education curriculum.
- Involvement of parents and students.
- Preparing students with disabilities for employment and other post-school experiences.
- Development and content of IEPs.

An appendix contains the verbatim regulations pertaining to IEPs.

Possible Uses: This guide primarily serves as a quick reference to key provisions in IDEA related to IEPs. When using the guide in the context of professional development (e.g., study teams, workshops, courses), consider the following Information Builders.

INFORMATION BUILDER I.n

Generate Questions About IEPs

The guide organizes questions around three core concepts (see **Appendix I-11**): the involvement and progress of each child with a disability in the general education curriculum, including addressing the unique needs that arise out of a child's disability; the involvement of parents and students together with regular and special personnel in making individual decisions to support each child's educational success; and the preparation of students with disabilities for employment and other post-school activities. To help participants orient themselves to the topic, ask them to generate questions they may have in each of the core concept areas. Compare their questions with those posed in the guide and discuss answers. As a variation to discussing answers as a large group, have participants form four groups according to the core concepts and "other" category. Provide the groups with copies of the document and have them answer the questions and report their findings to the entire group.

INFORMATION BUILDER I.o

Practice Answering Questions

The questions in the guide provide an excellent sampling of the types of questions that different stakeholders may ask. After discussion of the changes to IDEA, invite participants to engage in role plays centered on answering different questions (see **Appendix I-12** for a listing of questions). Depending on your group, assign contexts for the role plays (e.g., parent-teacher conference, IEP team meeting, administrator-parent conference, staff meeting). Have participants form small groups and distribute several questions to each of them. The challenge: Create a role play in which one or more of the players asks the question in their own words to the other players who, in turn, answer it. Suggest to groups that several people serve as observers who, in addition to noting process, record notes about the completeness and clarity of answers. Allow 10 minutes for group members to review answers and 15 minutes for groups to role play asking and answering questions. Or, after groups have had a brief planning time (e.g., five minutes), invite each to perform for the entire group. Discuss how different stakeholders asked questions, the thoroughness of answers, and other observations.

Other Materials that Address IEPs

There are other resources related to IEPs that may provide additional sources of information. In some cases, selected relevant materials described in the Discover IDEA Core Module of this package address IEPs and are, thus, considered supplemental sources of information. [*Note*: Information on obtaining many of these resources is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.]

Planning your Child's Individualized Education Program (IEP): Some Suggestions to Consider ☒

Citation: Families and Advocates Partnership for Education (FAPE) (2001). ***Planning your child's individualized education program (IEP): Some suggestions to consider***. Minneapolis, MN: PACER Center.

Available From: Technical Assistance Alliance for Parent Centers, PACER Center, 8161 Normandale Boulevard, Minneapolis, MN 55437, 888-248-0822 (toll free), 952-838-0190 (TTY), **www.pacer.org**.

Brief Description: This two-page fact sheet summarizes what parents may want to consider before, at, and after an IEP team meeting.

Individuals with Disabilities Education Act (IDEA): A Workshop for Families, Advocates, and Self-Advocates ☒

Citation: Families and Advocates Partnership for Education (FAPE) (1999). ***Individuals with Disabilities Education Act (IDEA): A workshop for families, advocates, and self-advocates (CD ROM)***. Minneapolis, MN: PACER Center.

Available From: Technical Assistance Alliance for Parent Centers, PACER Center, 8161 Normandale Boulevard, Minneapolis, MN 55437, 888-248-0822 (toll free), 952-838-0190 (TTY), **www.pacer.org**.

Brief Description: This one-volume training package on IDEA contains a curriculum for trainers and accompanying overheads. One of the main sections in this training package addresses IEPs.

Discover IDEA CD 2002 ☒

Citation: IDEA Partnership Projects, Education Development Center, Western Regional Resource Center at the University of Oregon, & National Information Center for Children and Youth with Disabilities (2002). ***Discover IDEA CD 2002***. Arlington, VA: Council for Exceptional Children.

Available From: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Brief Description: This CD provides information on the Individuals with Disabilities Education Act of 1997 to educators, related services providers, parents, advocates, administrators, and policymakers who strive for quality education for all children. In the context of focusing on the IEP, the search function of the CD can be used to locate the sections of the law and the regulations related to IEPs. You also may peruse the IDEA Senate Report for rationale related to the changes. In addition, you can find the OSEP brief, ***Regular Education Teachers as IEP Team Members***, on the CD. [To find the OSEP brief, click on Additional C.F.R. 34 Part 300 Materials.] Finally, the OSEP guide to the IEP described earlier in this section also is found on the CD-ROM.

Questions and Answers About IDEA ☒

Citation: National Information Center for Children and Youth with Disabilities (NICHCY) (2000). ***Questions and answers about IDEA***. Washington, DC: Author.

Available From: NICHCY, P.O. Box 1492, Washington, DC 20013, 800-695-0285 (toll free voice and TTY), **www.nichcy.org**.

Brief Description: This News Digest (ND21, second edition) answers questions about IDEA, including the IEP (pages 10 through 16).

IEP: Resource Guides

The topic of IEPs is very broad. In the context of sharing information about IEPs, related topics may arise. Resource Guides provide a more in-depth look at related topics.

The Resource Guides are organized according to the following framework:

- **Brief Description of the Topic**. Use this section to orient yourself to how the Resource Guide topic is related to supporting achievement for students with disabilities and IDEA.
- **What the Law Says**. Use this section to locate IDEA 1999 Regulations related to the Resource Guide topic. [*Note*: Only portions of the regulations are provided here for your convenience.]
- **What Research Says**. Use this section to obtain a summary of the research and, if appropriate, information generated by experts who are working in the area on the Resource Guide topic. The section presents a summary of research findings, followed by a list of references. These references are presented as complete citations in the section, References. [*Note*: For information on the approach used to scan the research base, see the discussion in the Core Module.]
- **Relevant Materials**. Use this section to locate materials that address the Resource Guide topic. Some of the materials have been reviewed by OSEP for consistency with IDEA.
- **References and Resources**. Use the References section to find citations for all literature used in the Resource Guide. The Resources section contains selected web sites and organizations concerned primarily with the Resource Guide topic. [*Note*: In some cases, no resources are cited. This means that no site was identified as providing substantial information particular to the Resource Guide topic in the context of IDEA.]

The Appendix contains several Resource Guides that direct users to more targeted information on selected topics:

- Participation of Regular Education Teachers in the IEPs. [See **Appendix I-13**.]
- Transition to Adult Life. [See **Appendix I-14**.]
- Assistive Technology. [See **Appendix I-15**.]
- Family Involvement. [See **Appendix I-16**.]

It is important to note that the topics chosen for discussion here are not all-inclusive. Indeed, many other topics related to IEPs have relevance. As additional IEP Resource Guides are developed, they will be posted on the ASPIIRE/ILIAD web site at www.ideapractices.org.

Section 4: Connections to Web-Based Resources*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

Many web sites exist that connect users to new materials, resources, and information on IEPs and IDEA. While many web sites that address the needs of children with disabilities and/or that address issues related to educational programs exist, only those that provide relevant information related to IDEA and supporting achievement for children with disabilities have been chosen for inclusion in this section. In some cases, the site may only mention IDEA, while in others more substantive resources on the topic are available. Frequently, the sites refer users to other web sites related to the topic.

Often, documents referenced in *Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide* can be downloaded from a particular site. Become familiar with—maybe even bookmark—the sites that are referenced most frequently in this package. They include:

- **www.ideapractices.org**—home of the Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE) and the IDEA Local Implementation by Local Administrators Partnership (ILIAD) projects.
- **www.fape.org**—home of the Families and Advocates Partnership for Education (FAPE) project.
- **www.ideapolicy.org**—home of the Policymaker Partnership project.
- **www.ed.gov/offices/OSERS/OSEP/**—home of the U.S. Office of Special Education Programs (OSEP).
- **www.nichcy.org**—home of the National Information Center for Children and Youth with Disabilities (NICHCY).

This section presents selected web sites that address IEPs as they relate to IDEA in more elaborate ways, such as:

- Offering an online document on the topic.
- Providing information on IDEA provisions.
- Linking to resources on IDEA.

Following are descriptions of web sites, along with suggestions for visiting them for the purpose of finding out more information about IEPs and IDEA. [Note: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

Council for Exceptional Children (CEC)

www.cec.sped.org

Housed At: 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-CEC-SPED (toll free), 866-915-5000 (TTY toll free).

Brief Description: Council for Exceptional Children (CEC) is the largest international professional organization dedicated to improving educational outcomes for individuals with exceptionalities, students with disabilities, and/or the gifted. In addition to linking to the IDEA Partnership projects, the web site contains a number of resources related to IDEA and IEPs. Examples include publications and professional development. CEC publishes a variety of products and hosts many professional development events related to IEPs and supporting achievement for students with disabilities. Descriptions and announcements are found here. ***CEC Today***, a newsletter of the organization, may be accessed on the site.

ERIC Clearinghouse on Disabilities and Gifted Education (ERIC EC)

http://www.ericec.org

Housed At: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 800-328-0272 (toll free), 866-915-5000 (TTY toll free).

Brief Description: ERIC is an acronym for the Educational Resources Information Center. ERIC EC gathers and disseminates professional literature, information, and resources on the education and development of individuals of all ages who have disabilities and/or who are gifted. The web site contains a number of ERIC EC Digests (that may be downloaded) related to IDEA and IEPs.

LD OnLine

www.ldonline.org

Housed At: WETA, 2775 South Quincy Street, Arlington, VA 22206.

Brief Description: LD OnLine is a service of the Learning Project at WETA (a public television station and educational foundation) in the Washington, DC metro area, and provides an extensive guide to learning disabilities for parents, teachers, and children. The LD In-Depth page contains links to articles and resources on IEPs aimed at parents and teachers.

National Center on Accessing the General Curriculum

www.cast.org/ncac

Housed At: CAST, 39 Cross Street, Peabody, MA 01960, 978-531-8555.

Brief Description: The Center seeks to provide a vision of how new curricula, teaching practices, and policies can be woven together to create practical approaches for improved access to the general curriculum by students with disabilities. The web site offers resources and a guided tour.

Section 5: Connections to References*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

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Appendix I-1

Scrambled Special Education Process

Order the following steps in sequence.

IEP meeting is held and IEP is written.

Child is evaluated.

Child is found eligible for services.

IEP meeting is scheduled.

Child is identified as possibly needing special education and related services.

Progress is measured and reported to parents.

Child is reevaluated, if necessary.

IEP is reviewed.

Services are provided.

Accompanies
INFORMATION BUILDER I.a

Appendix I-1, continued

1. ______________________________

2. ______________________________

3. ______________________________

4. ______________________________

5. ______________________________

6. ______________________________

7. ______________________________

8. ______________________________

9. ______________________________

Accompanies

INFORMATION BUILDER I.a

Appendix I-2

Special Education Process

- Child is identified as possibly needing special education and related services.
- Child is evaluated.
- Child is found eligible for services.
- IEP meeting is scheduled.
- IEP meeting is held and IEP is written.
- Services are provided.
- Progress is measured and reported to parents.
- IEP is reviewed.
- Child is reevaluated, if necessary.

Accompanies
INFORMATION BUILDER I.a

Appendix I-3

Contents of the IEP

- Current educational performance.
- Annual goals.
- Special education and related services.
- Participation with nondisabled children.
- Participation in State and district-wide assessments.
- Dates and places of services.
- Transition service needs that focus on the student's courses of study, beginning at age 14 or younger, if appropriate.
- Needed transition services, beginning at age 16, or younger, if appropriate.
- Transfer of rights at age of majority.
- Measuring progress.
- Program modifications or supports.
- How parents will be notified of progress.

Accompanies

INFORMATION BUILDER I.b

Appendix I-4

Create a Web of the IEP

The web is a graphic organizer that allows you to brainstorm and collect information about a topic. In this web, IEP is at the center of the circle and the requirements form the first level of spokes. For each topic indicated on a spoke, brainstorm everything that you know about it. Use the following questions to help prompt you: What does IDEA say about each IEP component? Are there special considerations? What does the component include?

Spokes

- Current educational performance.
- Annual goals.
- Special education and related services.
- Participation with nondisabled children.
- Participation in State and district-wide assessments.
- Dates and places of services.
- Transition service needs (beginning at age 14 or younger, as appropriate).
- Needed transition services (beginning at age 16 or younger, as appropriate).
- Transfer of rights at age of majority.
- Measuring progress.
- Program modifications or supports.
- How parents will be notified of progress.

Accompanies

INFORMATION BUILDER I.b

Appendix I-4, continued

“Web”

Accompanies

INFORMATION BUILDER I.b

Appendix I-5

IEP Team Members

True or False? Which of the following individuals are required by IDEA to serve on a child's IEP team? [Note: An IEP team member may fill more than one of the team positions if properly qualified and designated. What we are looking for is the official position.]

Parents

Regular education teacher, if the child is, or may be, participating in the regular education environment

Special education teacher or provider

Public agency representative

Transition services agency representative (when the child is of transition age)

Individual who can interpret evaluation results

Student (as appropriate)

Others with knowledge or special expertise about the child, at the discretion of the parent or public agency

Accompanies
INFORMATION BUILDER I.d

Appendix I-6

IEP Team Members—Self-Reflection

Each IEP team member brings important information to the IEP meeting. Members share their information and work together to write the child's IEP. Each person's information adds to the team's understanding of the child and what services the child needs.

Following are suggestions for how each team member may contribute. Either rate yourself, or as a team reflect on your performance.

Optional: Use a 3-point scale to assess each item:

1 = do this rarely
2 = do this sometimes
3 = do this always

For those items receiving a low score, discuss how the team may support members in increasing their contribution.

Parents

- Describe their child's strengths and needs.
- Present ideas for enhancing their child's education and development.
- Offer insight into how their child learns.
- Describe the child's interests.
- Share suggestions related to the other team members' ideas.
- Report on whether the child is using skills learned at school at home.

Accompanies

INFORMATION BUILDER I.d

Appendix I-6, continued

Regular Education Teacher

- Describe the general curriculum in the regular classroom.
- Suggest aids, services, or changes to the educational program that would help the child learn and achieve.
- Discuss strategies to help the child with behavior, if behavior is an issue.
- Identify supports that will enable public agency staff members to assist the child to advance toward his or her annual goals, to be involved and progress in the general education curriculum, to participate in extracurricular and other activities, and to be educated with other children, both with and without disabilities, as appropriate.

Special Education Teacher or Provider

- Provide expertise regarding educating children with disabilities.
- Suggest ways to modify the curriculum.
- Identify supplementary aids and services that the child may need to be successful in the regular classroom and elsewhere.
- Discuss how to modify testing so that the student can show what he or she has learned.
- Describe ways that he or she might work with the child to carry out the IEP.

Public Agency Representative

- Describe necessary resources and commit to them.
- Ensure provision of services identified in the IEP.

Transition Services Agency Representative

- Help plan transition services.

Accompanies
INFORMATION BUILDER I.d

Appendix I-6, continued

Individual Who Can Interpret Evaluation Results

- Discuss instructional implications of the child's evaluation results.
- Identify the child's strengths and needs.

Student (as appropriate)

- Participate in developing the IEP.
- Discuss personal goals and objectives.
- Describe accommodations and modifications that help him or her learn.

Others with Knowledge or Special Expertise About the Child

- Discuss child's strengths and needs.
- Describe how particular services may help the child address identified needs.

Accompanies
INFORMATION BUILDER I.d

Appendix I-7

Selected Aspects of the Educational Process Relevant to Speech-Language Pathologists

Indicating Present Levels of Performance

- An emphasis on functionality and educational relevance.
- Assessment procedures must lead to a more complete description of the child's performance in context.

Short-term Objectives and Benchmarks

The IEP should include either:

- Short-term objectives that break the skill described in the annual goal into discrete components; or,
- Benchmarks that indicate the amount of progress that the child is expected to make within specified segments of the year.

Supports and Services to Others

The IEP should include relevant:

- Supplementary aids and services to be provided to the child.
- Supplementary aids and services to be provided on behalf of the child (e.g., to the child's teacher or other personnel).

Accompanies

INFORMATION BUILDER I.e

Appendix I-7, continued

Least Restrictive Environment

- An explanation is required in the child's IEP of the extent, if any, to which the child will not be educated with nondisabled peers in the regular class and in extracurricular and other nonacademic activities. This applies to the provision of related services.

Test Accommodations

- Any accommodations or modifications needed by the child to participate in State or district-wide assessments of achievement must be included in the IEP.

Functional Behavioral Assessment

- If a child with challenging behavior also has a communication difficulty, the speech-language pathologist should be part of the team that plans the functional behavioral assessment and, if appropriate, should conduct an assessment of communication skills.

Services in Private Schools

- Speech-language pathologists who provide services to children who are publicly placed at a private school for the purpose of receiving special education and related services must meet the standards that apply to education provided by the LEA and the SEA.

Accompanies

INFORMATION BUILDER I.e

Appendix I-8

Differentiation of Role: The Speech-Language Pathologist

- Am I making maximum use of my discipline-specific knowledge and skills as related to this school setting?
- Am I promoting school success within the context of intervention?
- Am I providing ongoing training to regular and special educators on the language-learning connection?
- Is my role defined on the basis of what a speech-language pathologist should be doing, rather than on what others are not willing or able to do?
- Am I providing speech-language services in the least restrictive environment appropriate for each child?

Accompanies

INFORMATION BUILDER I.e

Appendix I-9

What Does It Take To Develop Educationally Relevant IEPs?

- Regular Teacher Involvement
- Parental and Student Involvement
- Staff Development
- Collaboration Skills
- Time
- Other Support

Accompanies
INFORMATION BUILDER I.h

Appendix I-10

Languages Spoken Here?

Afrikaans

American Sign Language

Arabic

Armenian

Bahasa

Basque

Cantonese

Catalan

Cebuano

Chamorro

Chinese

Creole

Accompanies
INFORMATION BUILDER I.k

Appendix I-10, continued

Czech
Danish
Dutch
Estonian
Farsi
Filipino
Fookienese
French
German
Greek
Gujarati
Haitian
Hebrew
Hindi
Hungarian
Icelandic
Ilocano
Indonesian
Italian
Japanese
Kannada
Konkani
Korean
Latvian
Lithuanian
Malaysian
Mandarin
Marathi
Navajo
Polish
Portuguese
Punjabi
Romanian
Russian

Accompanies
INFORMATION BUILDER I.k

Appendix I-10, continued

Sindhi

Slovak

Spanish

Swedish

Tagalog

Taiwanese

Tamil

Teluga

Thai

Turkish

Ukrainian

Urdu

Yiddish

Accompanies

INFORMATION BUILDER I.k

Appendix I-11

Core Concepts

- Involvement and progress of each child with a disability in the general education curriculum, including addressing the unique needs that arise out of a child's disability.
- Involvement of parents and students together with regular and special personnel in making individual decisions to support each child's educational success.
- Preparation of students with disabilities for employment and other postschool activities.

Accompanies

INFORMATION BUILDER I.n

Appendix I-12

IEP Questions

Involvement and Progress of Each Child with a Disability in the General Curriculum

- What are the major IEP requirements that govern the involvement and progress of children with disabilities in the general curriculum?
- Must a child's IEP address his or her involvement in the general curriculum, regardless of the nature and severity of the child's disability and the setting in which the child is educated?
- What must public agencies do to meet the requirements regarding the participation of a regular education teacher in the development, review, and revision of IEPs for children aged three through five who are receiving preschool special education services?
- Must the measurable annual goals in a child's IEP address all areas of the general curriculum, or only those areas in which the child's involvement and progress are affected by the child's disability?

Involvement of Parents and Students

- What is the role of the parents, including surrogate parents, in decisions regarding the educational program of their child?
- What are the requirements regarding the participation of a child with a disability in an IEP meeting?
- Must the public agency inform the parents of who will be at the IEP meeting?
- Do parents have the right to a copy of their child's IEP?
- What is a public agency's responsibility if it is not possible to reach consensus on what services should be included in a child's IEP?
- Does IDEA require that public agencies inform parents regarding the educational progress of their children with disabilities?

Accompanies

INFORMATION BUILDER I.o

Appendix I-12, continued

Preparing Students with Disabilities for Employment and Other Postschool Activities

- What must the IEP team do to meet the requirements that the IEP include a statement of transition needs beginning at age 14 (or younger, if appropriate), and statement of needed transition services no later than age 16?
- Must the IEP for each student with a disability, beginning no later than age 16, include all needed transition services, as identified by the IEP team, even if an agency other than the public agency will provide those services?
- What is the public agency's responsibility if another agency fails to provide agreed-upon transition services?
- Under what circumstances must a public agency invite representatives from other agencies to an IEP meeting at which a child's need for transition services will be considered?

Other Questions

- For a child with a disability receiving special education for the first time, when must an IEP be developed?
- Who is responsible for ensuring the development of IEPs for children with disabilities served by a public agency other than a local education agency?
- For a child placed out of state by an educational or non-educational state or local agency, is the placing or receiving state responsible for the child's IEP?
- If a child with a disability has been receiving special education from one public agency and transfers to another public agency in the same state, must the new public agency develop an IEP before the child can receive special education services?
- What timelines apply to the development and implementation of an initial IEP for a child with a disability?
- Must a public agency hold separate meetings to determine a child's eligibility for special education and related services, develop the child's IEP, and determine the child's placement, or may the agency meet all of these requirements in a single meeting?

Accompanies

INFORMATION BUILDER I.o

Appendix I-12, continued

- How frequently must a public agency conduct meetings to review, and, if appropriate, revise the IEP for each child with a disability?
- May IEP meetings be audiotaped or videotaped?
- Who can serve as the representative of the public agency at an IEP meeting?
- For a child with a disability being considered for initial provision of special education and related services, which teacher or teachers should attend the IEP meeting?
- What is the role of a regular education teacher in the development, review, and revision of the IEP for a child who is, or may be, participating in the regular education environment?
- If a child with disability attends several regular classes, must all of the child's regular education teachers be members of the child's IEP team?
- How should a public agency determine which regular education teachers and special education teachers and/or providers will be members of the IEP team for a particular child with a disability?
- Do parents and public agencies have the option of inviting any individual of their choice to be participants on their child's IEP team?
- Can parents or public agencies bring their attorneys to IEP meetings, and if so, under what circumstances?
- Must related services personnel attend IEP meetings?
- Must the pubic agency ensure that all services specified in a child's IEP are provided?
- Is it permissible for an agency to have the IEP completed before the IEP meeting begins?
- Must a public agency include transportation in a child's IEP as a related service?
- Must the IEP specify the amount of services or may it simply list the services to be provided?
- Under what circumstances is a public agency required to permit a child with a disability to use a school-purchased assistive technology device in the child's home or in another setting?
- Can the IEP team also function as the group making the placement decision for a child with a disability?
- If a child's IEP includes behavioral strategies to address a particular behavior related to his or her disability, can a child ever be suspended for engaging in that behavior?

Accompanies

INFORMATION BUILDER I.o

Appendix* I-13

RESOURCE GUIDE

Participation of Regular Education Teachers in the IEP*

IDEA places significant emphasis on helping children with disabilities, at an individually appropriate level, participate in and progress in the general curriculum. To ensure that the child's IEP relates to the general curriculum, IDEA provides for the participation of regular education teachers in developing and implementing the IEP. The IEP team for a child with a disability must include at least one regular education teacher of the child if the child is, or may be, participating in the regular education environment.

The regular education teacher must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including the determination of appropriate positive behavioral interventions and strategies for the child, and the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the child. The law provides that IEPs include the program modifications or supports for the child and school personnel to enable the child to advance appropriately toward attaining his or her IEP goals in the least restrictive environment. 34 C.F.R. §300.347(a)(3). [*Note*: The regular education teacher is not required to participate in all decisions made as part of the IEP meeting or to be present throughout the entire meeting or attend every meeting. For example, it may not be necessary for the regular education teacher to participate in discussions about the child's physical therapy services, unless the teacher was responsible for implementing that portion of the child's IEP.]

The IEP team need not include more than one regular education teacher. However, if the participation of more than one regular education teacher would be beneficial to the child's success in school, then schools are

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*[*Please note that only the materials in this appendix which have been marked with an ▣ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

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encouraged to support their participation.

A question often arises regarding which regular education teacher should participate when the student has several. The regular education teacher who serves as a member of a child's IEP should be a teacher who is, or may be, responsible for implementing a portion of the child's IEP. This allows the teacher to participate in discussions about how best to teach the child. If some of the student's regular education teachers are not members of the IEP team, then the school is encouraged to seek input from them. In addition, all regular education teachers of the student must have access to the student's IEP and be informed of his or her responsibilities related to implementing the IEP, including which accommodations, modifications, and supports must be provided to the student.

What the Law Says

Prior to 1997, the law did not require the participation of a regular education teacher as a member of the IEP team. Under IDEA, the IEP team for each child with a disability now must include at least one of the child's regular education teachers, if the child is, or may be, participating in the regular education environment. IDEA also indicates that the student's regular education teacher, to the extent appropriate, participate in the development, review, and revision of the child's IEP. [*Note*: Only portions of the regulations are provided here for your convenience.]

34 C.F.R. §300.344—IEP team.

(a) General. The public agency shall ensure that the IEP team for each child with a disability includes—

(1) The parents of the child;

(2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

(3) At least one special education teacher of the child, or if appropriate, at least one special education provider of the child;

(4) A representative of the public agency who—

(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

(ii) Is knowledgeable about the general curriculum; and

(iii) Is knowledgeable about the availability of resources of the public agency;

RESOURCE GUIDE (continued)

(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of this section;

(6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(7) If appropriate, the child.

(b) Transition services participants.

(1) Under paragraph (a)(7) of this section, the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of—

(i) The student's transition services needs under §300.347(b)(1); or

(ii) The needed transition services for the student under §300.347(b)(2); or

(iii) Both.

(2) If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered.

(3)

(i) In implementing the requirements of §300.347(b)(2), the public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

(ii) If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

(c) Determination of knowledge and special expertise. The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section shall be made by the party (parents or public agency) who invited the individual to be a member of the IEP.

(d) Designating a public agency representative. A public agency may designate another public agency member of the IEP team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.

(Authority: 20 U.S.C. 1401(30), 1414(d)(1)(A)(7), (B))

34 C.F.R. §300.346—Development, review, and revision of IEP.

...(d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of-

(1) Appropriate positive behavioral interventions and strategies for the child; and

(2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with 300.347(a)(3).

...

(Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

RESOURCE GUIDE (continued)

34 C.F.R. §300.342—When IEPs must be in effect.

(a) General. At the beginning of each school year, each public agency shall have an IEP in effect for each child with a disability within its jurisdiction.

(b) Implementation of IEPs. Each public agency shall ensure that-

(1) An IEP—

(i) Is in effect before special education and related services are provided to an eligible child under this part; and

(ii) Is implemented as soon as possible following the meetings described under §300.343;

(2) The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and

(3) Each teacher and provider described in paragraph (b)(2) of this section is informed of—

(i) His or her specific responsibilities related to implementing the child's IEP; and

(ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

...

(Authority: 20 U.S.C. 1414(d)(2)(A) and (B), Pub. L. 105-17, sec. 201(a)(2)(A), (C))

C.F.R. §300.347—Content of IEP.

(a) General. The IEP for each child with a disability must include—

(1) A statement of the child's present levels of educational performance, including—

(i) How the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled children); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to—

(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities; and

(ii) Meeting each of the child's other educational needs that result from the child's disability;

(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child-

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and

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Appendix I-13

RESOURCE GUIDE (continued)

(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

(4) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(3) of this section;

(5)

(i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and

(ii) If the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of -

(A) Why that assessment is not appropriate for the child; and

(B) How the child will be assessed;

(6) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

(7) A statement of—

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—

(A) Their child's progress toward the annual goals; and

(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

(b) **Transition services**. The IEP must include—

(1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and

(2) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

(c) **Transfer of rights.** In a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.

(d) **Students with disabilities convicted as adults and incarcerated in adult prisons**. Special rules concerning the content of IEPs for students with disabilities convicted as adults and incarcerated in adult prisons are contained in §300.311(b) and (c).

(Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6)(A)(ii))

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Appendix I-13

RESOURCE GUIDE (continued)

What Research Says

Over the years, researchers have studied IEP team involvement—especially regular education teacher participation on IEP teams. Given the emphasis now on the student participation in and progress in the general curriculum, the input of regular education teachers to the student's IEP is even more essential to ensuring student achievement.

In the past, research has documented the need for greater regular education teacher participation on IEP teams.

- McLaughlin, 1995.
- Pugach, 1982.
- Smith, 1990.

Experts have suggested a number of strategies to support the participation of regular education teachers on IEP teams. Among the recommendations are: scheduling IEP meetings at times when regular education teachers are available, working with local bargaining groups to develop contract language about teacher attendance at IEP meetings, and budgeting for substitute teachers for regular education teachers who attend IEP meetings (Brannen, et al, 2000).

Materials that Address Regular Education Teacher Participation on IEP Teams

Developing Educationally Relevant IEPs: A Technical Assistance Document for Speech-Language Pathologists ☒

Author: Brannen, S., Cooper, E., Dellegrotto, J., Disney, S., Eger, D., Ehren, B., Ganley, K., Isakson, C., Montgomery, J., Ralabate, P., Secord, W., & Whitmire, K.

Publication Date: 2000

Published By: Rockville, MD: American Speech-Language-Hearing Association

Available From: The guide is available on the ASPIIRE/ILIAD web site at www.ideapractices.org.

Format: Soft cover booklet.

Appendix I-13

RESOURCE GUIDE (continued)

Brief Description: In the section, "What Does It Take To Make This Work?," authors review regular education teacher involvement. They offer suggestions for how regular education teachers may contribute to the team discussion, such as outlining expectations for students within their classrooms and content areas and discussing how related services may support students in achieving success. Suggestions administrators can use to help teachers attend IEP team meetings include: scheduling IEP meetings at convenient times, working with local bargaining groups to develop contract language related to teacher attendance, and budgeting for substitute teachers to release teachers for meetings.

Individualized Education Programs: Briefing Paper ☒

Author: National Information Center for Children and Youth with Disabilities (NICHCY)

Publication Date: September 1999

Published By: Washington, DC: Author

Available From: NICHCY at P.O. Box 1492, Washington, DC 20013, 800-695-0285 (toll free voice or TTY) or on their web site at **www.nichcy.org**.

Format: Brief guide.

Brief Description: This guide presents IDEA provisions in question and answer format. Question 3 clarifies the requirements regarding participation of a regular education teacher for children aged three through five who are receiving preschool special education services. Questions 24 and 25 clarify the requirements regarding the participation of regular educators. Question 26 elaborates on how the LEA should determine which regular education teacher will be a member of the IEP team for a particular child.

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RESOURCE GUIDE (continued)

Regular Education Teachers as IEP Team Members ☒

Author: U.S. Department of Education, Office of Special Education Programs (OSEP)

Publication Date: March 1999

Published By: Washington, DC: Author

Available From: Find the brief on the ***Discover IDEA CD 2002*** and on the ASPIIRE/ ILIAD web site at **www.ideapractices.org.**

Format: Two-page brief.

Brief Description: The brief answers questions related to the participation of regular education teachers in the IEP as found in IDEA Final Regulations.

IDEA-Part B Final Regulations: Provisions of Special Interest to Teachers ☒

Author: U.S. Department of Education, Office of Special Education Programs (OSEP)

Publication Date: March 1999

Published By: Washington, DC: Author

Available From: Find the brief on the Discover ***IDEA CD 2002*** and on the ASPIIRE/ ILIAD web site at **www.ideapractices.org.**

Format: Six-page brief.

Brief Description: This brief summarizes the changes made to IDEA Part B final regulations that may be of interest to teachers. The first section deals explicitly with regular teacher participation on the IEP team.

Appendix I-13

RESOURCE GUIDE (continued)

References

The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

Brannen, S., Cooper, E., Dellegrotto, J., Disney, S., Eger, D., Ehren, B., Ganley, K., Isakson, C., Montgomery, J., Ralabate, P., Secord, W., & Whitmire, K. (2000). ***Developing educationally relevant IEPs: A technical assistance document for speech-language pathologists.*** Rockville, MD: American Speech-Language-Hearing Association. ☒

McLaughlin, M.J. (1995). Individual education programs: Issues and options for change (final report). ***Project Forum at NASDSE***. Alexandria, VA: National Association of State Directors of Special Education.

National Information Center for Children and Youth with Disabilities (NICHCY) (1999). ***Individualized education programs: Briefing paper.*** Washington, DC: Author. ☒

Pugach, M.C. (1982). Regular classroom teacher involvement in the development and utilization of IEPs. ***Exceptional Children, 48***(4), 371-374.

Smith, S.W. (1990). Individualized education programs in special education—from intent to acquiescence. ***Exceptional Children, 57***(1), 6-14.

U.S. Department of Education, Office of Special Education Programs (OSEP) (1999). ***Regular education teachers as IEP team members.*** Washington, DC: Author. ☒

U.S. Department of Education, Office of Special Education Programs (OSEP) (1999). ***IDEA-Part B Final Regulations: Provisions of special interest to teachers.*** Washington, DC: Author. ☒

Appendix* I-14

RESOURCE GUIDE

Transition to Adult Life*

When young people see the direct relationship between what they are learning in school and their long-term goals and aspirations, learning and achievement are enhanced. Drawing meaningful connections to the adult world—employment, community living and participation, post-school education—helps motivate students to learn and progress.

IDEA provides that students with disabilities, beginning at age 14 or younger if appropriate, will have in place transition activities that support their goals for adult life. Transition services are intended to prepare students to make the transition from the world of school to the world of adulthood. [*Note*: *Transition* is a term used throughout the student's life. This discussion is limited to transition to adult life.]

What the Law Says

IDEA defines transition services and provides what must be written in the IEP related to transition needs and services. IDEA provides that the IEP team must include a statement of a child's transition service needs that focus on the student's courses of study beginning when the child is 14 (or younger, if appropriate), and update that statement annually. The statement should focus on the child's courses of study (e.g., advanced placement courses or vocational education programs). Beginning when the child is 16 (or younger, as appropriate), the IEP team must include a statement of needed transition services—which means a coordinated set of activities for a student with a disability that is results focused and promotes movement from school to post-school activities—including any statements of interagency responsibilities or needed linkages.

IDEA also specifies who should participate in transition planning for a child with a disability. IDEA supports and maintains the concepts of parent and student participation in planning transition services. IDEA provides that the student must be invited to the meeting at which the transition services are planned. [*Note*: Only portions of the regulations are provided here for your convenience.]

*[*Please note that only the materials in this appendix which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

RESOURCE GUIDE (continued)

34 C.F.R. §300.29—Transition services.

(a) As used in this part, transition services means a coordinated set of activities for a student with a disability that—

(1) Is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(2) Is based on the individual student's needs, taking into account the student's preferences and interests; and

(3) Includes—

(i) Instruction;

(ii) Related services;

(iii) Community experiences;

(iv) The development of employment and other post-school adult living objectives; and

(v) If appropriate, acquisition of daily living skills and functional vocational evaluation.

(b) Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

(Authority: 20 U.S.C. 1401(30))

34 C.F.R. §300.344—IEP team.

(a) General. The public agency shall ensure that the IEP team for each child with a disability includes—

(1) The parents of the child;

(2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

(3) At least one special education teacher of the child, or if appropriate, at least one special education provider of the child;

(4) A representative of the public agency who—

(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

(ii) Is knowledgeable about the general curriculum; and

(iii) Is knowledgeable about the availability of resources of the public agency;

(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of this section;

(6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

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RESOURCE GUIDE (continued)

(7) If appropriate, the child.

(b) Transition services participants.

(1) Under paragraph (a)(7) of this section, the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of—

(i) The student's transition services needs under §300.347(b)(1); or

(ii) The needed transition services for the student under §300.347(b)(2); or

(iii) Both.

(2) If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered.

(3)

(i) In implementing the requirements of §300.347(b)(2), the public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

(ii) If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

(c) Determination of knowledge and special expertise. The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section shall be made by the party (parents or public agency) who invited the individual to be a member of the IEP.

(d) Designating a public agency representative. A public agency may designate another public agency member of the IEP team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.

(Authority: 20 U.S.C. 1401(30), 1414(d)(1)(A)(7), (B))

34 C.F.R. §300.347—Content of IEP.

...(b) Transition services. The IEP must include—

(1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and

(2) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

(c) Transfer of rights. In a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.

...

(Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6)(A)(ii))

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RESOURCE GUIDE (continued)

34 C.F.R. §300.348—Agency responsibilities for transition services.

(a) If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with §300.347(b)(1), the public agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

(b) Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

(Authority: 20 U.S.C. 1414(d)(5); 1414(d)(1)(A)(vii))

What Research Says

The range of postschool experiences for youth with disabilities underscores the need for transition planning to be responsive to individuals' goals, strengths, and needs. Student and program factors contribute to students' positive graduation and employment outcomes. Examples include: student participation in two or more career-related, paid jobs while in school; completion of four or more student-identified transition goals; parent involvement; self-family-friend network for finding jobs; student characteristics (e.g., ethnicity, living skills, and academic skills), student self-determination and advocacy skills, and continued support postschool. Factors that support implementation of transition-related policies and practices in school districts include: incorporating system wide, student- and family-centered strategies; fostering interagency collaboration; and facilitating professional development.

- Benz, Lindstrom, & Yovanoff, 2000.
- Benz, Yovanoff, & Doren, 1997.
- Collet-Klingenberg, 1998.
- Doren & Benz, 1998.
- Hasazi, Furney, & Destefano, 1999.
- Heal, Khoju, & Rusch, 1997.
- Heal & Rusch, 1995.
- Hughes, Eisenman, Hwang, Kim, Killian, & Scott, 1997.
- Morningstar, Turnbull, & Turnbull, 1995.
- Rylance, 1998.
- Wagner, Blackorby, Camero, & Newman, 1993.
- Wehmeyer & Schalock, 2001.
- Wehmeyer & Schwartz, 1997.

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RESOURCE GUIDE (continued)

Transition planning must be based on a student's needs, taking into account individual interests and abilities. IDEA provides for student participation in transition planning, as appropriate. Experts working in the area suggest that self-determination and self-advocacy skills may enhance student participation.

- Field, 1996.
- Merchant & Gajar, 1997.
- Panagos & DuBois, 1999.
- Wehmeyer, Agram, & Hughes, 2000.

Life quality has emerged as a theme in planning and evaluating services for individuals with disabilities. Experts suggest that quality of life—which includes physical and material well being, satisfactory performance of adult roles, and personal fulfillment—be considered as an outcome when planning transition services.

- Dennis, Williams, Giangreco, & Cloninger, 1993.
- Halpern, 1993.
- Heal, Khoju, & Rusch, 1997.
- Wehmeyer & Schalock, 2001.

Postschool research generally finds that females are more likely to experience poorer postschool outcomes than their male counterparts. However, research is inconclusive. Differential employment may be explained by higher marriage and parenting rates for women. Or, it may be a result of a combination of other characteristics, such as coming from a family with a low household annual income or having low self-esteem at the time of exit from high school.

- Doren & Benz, 1998.
- Goldstein, Murray, & Edgar, 1998.
- Levine & Edgar, 1994.
- Rojewski, 1999.

Transition planning may be enhanced by incorporating diverse family and cultural perspectives. Experts working in the area suggest that person-centered planning processes result in increased family involvement.

- Boone, 1992.
- Greenen, Powers, & Lopez-Vasquez, 2001.

RESOURCE GUIDE (continued)

Materials that Address Transition

Student-Led IEPs: A Guide for Student Involvement

Author: McGahee, M., Mason, C., Wallace, T., & Jones, B.

Publication Date: 2001

Published By: Arlington, VA: Council for Exceptional Children

Available From: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), www.cec.sped.org.

Format: Soft cover guide.

Brief Description: The guide is designed to help teachers and related service providers as they plan for and implement student-led IEPs. Suggestions for how practitioners can involve students are organized around the following topics:

- Starting a student-led IEP program (e.g., involving administrators and parents, ensuring confidentiality, scheduling time).
- Helping students understand IEPs. This section includes possible student activities.
- Engaging students in developing an IEP.
- Preparing students to participate in their IEP meetings.
- Monitoring and ongoing self-advocacy.
- Reviewing considerations for group instruction.
- Implementing the program schoolwide.

The guide includes references and forms that can be reproduced for use. It may be used as reference tool for practitioner study teams or planning groups.

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RESOURCE GUIDE (continued)

Transition Requirements: A Guide for States, Districts, Schools, Universities, and Families

Author: Storms, J., O'Leary, E., & Williams, J.

Publication Date: 2000

Published By: Minneapolis, MN: Institute on Community Integration, University of Minnesota

Available From: Publications Office, Institute on Community Integration, University of Minnesota, 109 Pattee Hall, 150 Pillsbury Drive, SE, Minneapolis, MN 55455, 612-624-452 or on the Western Regional Resource Center's web site at **http://interact.uoregon.edu/wrrc/wrrc.html**. The guide also can be found in PDF format on the Discover IDEA CD 2002. The CD is available from Council for Exceptional Children, 1110 North Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free).

Format: Soft cover guide.

Brief Description: This guide provides a comprehensive look at how school districts may meet the transition provisions in IDEA. Topics include:

- Transition—definition and rationale.
- Transition provisions in IDEA.
- Background of addressing transition in the IEP.
- An example of a process for determining transition needs and services in the IEP.
- Commonly asked questions and answers related to the content of the IEP, transition participants, parent participation, agency responsibilities for transition services, and graduation.
- Federal and state monitoring systems for transition requirements.

An appendix contains a sample IEP, forms for communicating with stakeholders, and the IDEA regulations pertaining to transition.

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RESOURCE GUIDE (continued)

Other Materials

Following are selected resources related to the topic of transition to postsecondary life. In some cases, the references relate to a section of a resource (e.g., a chapter, selected pages) that was more fully described in the Core Module of this package. [Note: Information on obtaining many of these resources is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org.**]

Challenges To Providing Secondary Education and Transition Services for Youth with Disabilities ☒

Citation: U.S. Department of Education, Office of Special Education Programs (OSEP) (2001). Challenges to providing secondary education and transition services for youth with disabilities (I-19-I-48). In the ***Twenty-third annual report to Congress on the implementation of the Individuals with Disabilities Education Act.*** Washington, DC: Author.

Available From: The report is available on the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/.**

Brief Description: The report chapter summarizes research that addresses the current challenges in providing transition services to students with disabilities.

Questions and Answers About IDEA: News Digest ☒

Citation: National Information Center for Children and Youth with Disabilities (NICHCY) (2000). ***Questions and answers about IDEA: News Digest.*** Washington, DC: Author.

Available From: NICHCY, P.O. Box 1492, Washington, DC 20013, 800-695-0285, **www.nichcy.org.**

Brief Description: This News Digest (ND21, second edition) answers questions about IDEA, including one about transition planning (page 14).

RESOURCE GUIDE (continued)

References

The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

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Benz, M., Yovanoff, P., & Doren, B. (1997). School-to-work components that predict post-school success for students with and without disabilities. ***Exceptional Children, 63***(2), 151-165.

Blackorby, J., & Wagner, M. (1996). Longitudinal postschool outcomes of youth with disabilities: Findings from the national longitudinal transition study. ***Exceptional Children, 62***(5), 399-413.

Boone, R. (1992). Involving culturally diverse parents in transition planning. ***Career Development in Exceptional Individuals, 15***, 205-221.

Collet-Klingenberg, L. (1998). The reality of best practices in transition: A case study. ***Exceptional Children, 65***(1), 67-78.

Dennis, R.E., Williams, W., Giangreco, M.F., & Cloninger, C.J. (1993). Quality of life as context for planning and evaluation of services for people with disabilities. ***Exceptional Children, 59***(6), 499-512.

Doren, B., & Benz, M.R. (1998). Employment inequality revisited: Predictors of better employment outcomes for young women with disabilities in transition. ***The Journal of Special Education, 31***(4), 425-442.

Field, S. (1996). A historical perspective on student involvement in the transition process: Toward a vision of self-determination for all students. ***Career Development for Exceptional Individuals, 19***(2), 169-176.

Goldstein, D., Murray, C., & Edgar, E. (1998). Employment earnings and hours of high school graduates with learning disabilities through the first decade after graduation. ***Learning Disabilities Research and Practice, 13***(1), 53-64.

Greenen, S., Powers, L., & Lopez-Vasquez, A. (2001). Multicultural aspects of parent involvement in transition planning. ***Exceptional Children, 67***(2), 263-282.

Halpern, A.S. (1993). Quality of life as a conceptual framework for evaluating transition outcomes. ***Exceptional Children, 59***(6), 486-498.

Hasazi, S., Furney, K., & Destefano, L. (1999). Implementing the IDEA transition mandates. ***Exceptional Children, 65***(4), 555-566.

RESOURCE GUIDE (continued)

Heal, L.W., Khoju, M., & Rusch, F.R. (1997). Predicting quality of life of youth after they leave special education high school programs. ***The Journal of Special Education, 31***(3), 279-299.

Heal, L.W., & Rusch, F.R. (1995). Predicting employment for students who leave special education high school programs. ***Exceptional Children, 61***(5), 472-487.

Hughes, C., Eisenman, L., Hwang, B., Kim, J., Killian, D., & Scott, S. (1997). Transition from secondary special education to adult life: A review and analysis of empirical measures. ***Education and Training in Mental Retardation and Development Disabilities***, *32*(2), 85-104.

Levine, P., & Edgar, E. (1994). An analysis by gender of long-term postschool outcomes for youth with and without disabilities. ***Exceptional Children, 61***(3), 282-300.

Merchant, D., & Gajar, A. (1997). A review of the literature on self-advocacy components in transition programs for students with learning disabilities. ***Journal of Vocational Rehabilitation, 8***, 223-231.

Morningstar, M., Turnbull, A., & Turnbull, H. (1995). What do students with disabilities tell us about the importance of family involvement in the transition from school to adult life? ***Exceptional Children, 62***(3), 249-260.

Panagos, R., & DuBois, D. (1999). Career self-efficacy development and students with learning disabilities. ***Learning Disabilities Research & Practice, 14***(1), 25-34.

Rojewski, J. (1999). Occupational and educational aspirations and attainment of young adults with and without LD 2 years after high school completion. ***Journal of Learning Disabilities, 32***(6), 533-552.

Rylance, B.J. (1998). Predictors of post-high school employment for youth identified as severely emotionally disturbed. ***The Journal of Special Education, 32***(3), 184-192.

Salembier, G., & Furney, K. (1997). Facilitating participation: Parents' perceptions of their involvement in the IEP/transition planning process. ***Career Development in Exceptional Individuals, 20***(1), 29-42.

Storms, J., O'Leary, E., & Williams, J. (2000). ***Transition Requirements: A guide for states, districts, schools, universities and families***. Minneapolis, MN: The College of Education & Human Development, University of Minnesota.

U.S. Department of Education, Office of Special Education Programs (OSEP) (2001). Challenges to providing secondary education and transition services for youth with disabilities (I-19-I-48). In the ***Twenty-third annual report to Congress on the implementation of the Individuals with Disabilities Education Act***. Washington, DC: Author. ☒

RESOURCE GUIDE (continued)

Wagner, M., Blackorby, J., Camero, R., & Newman, L. (1993). ***What makes a difference? Influences on postschool outcomes of youth with disabilities: The third comprehensive report from the National Longitudinal Transition Study of Special Education Students.*** Menlo Park, CA: SRI International.

Wehmeyer, M., Agram, M., & Hughes, C. (2000). A national survey of teachers' promotion of self-determination and student-directed learning. ***The Journal of Special Education, 34***(2), 58-68.

Wehmeyer, M., & Schalock, R. (2001). Self-determination and quality of life: Implications for special education services and supports. ***Focus on Exceptional Children, 33***(8), 1-16.

Wehmeyer, M., & Schwartz, M. (1997). Self-determination and positive adult outcomes: A follow-up study of youth with mental retardation or learning disabilities. ***Exceptional Children, 63***(2), 245-255.

Resources

The following resources include organizations and/or web sites that feature information on the topic. In most cases, OSEP has not reviewed the information available from these resources for consistency with IDEA and no endorsement by OSEP is implied. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

HEATH Resource Center

http://www.heath.gwu.edu

Housed At: The George Washington University, 2121 K Street, NW, Suite 220, Washington, DC 20037, 202-973-0904 (voice and TTY), 800-544-3284 (toll free).

Brief Description: As of October 2001, HEATH moved from the American Council on Education to George Washington University. HEATH is the national clearinghouse on postsecondary education for individuals with disabilities. The web site features:

- Publications.
- Questions and answers.
- Resources.
- Links.

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RESOURCE GUIDE (continued)

National Transition Alliance for Youth with Disabilities (NTA)

http://www.dssc.org/nta

Housed At: 109 Children's Research Center, 51 Gerty Drive, Champaign, IL 61820.

Brief Description: *Note*: Funding for the National Transition Alliance for Youth with Disabilities ended in September 2001. Many of the NTA products will be available on the NCSET web site (see description in this section).

National Center on Secondary Education and Transition (NCSET)

www.ncset.org

Housed At: Institute on Community Integration, University of Minnesota, Pattee Hall, 150 Pillsbury Drive SE, Minneapolis, MN 55414, 612-624-2097.

Brief Description: NCSET seeks to increase the capacity of national, state, and local agencies to improve secondary education and transition results for youth with disabilities and their families. The Center coordinates national resources, hosts capacity building workshops, develops research-to-practice tools, and provides technical assistance and outreach.

Appendix* I-15

RESOURCE GUIDE

Assistive Technology*

Both assistive and instructional technology applications have been and continue to be helpful in solving problems and enhancing achievement for students with disabilities. Technology provides a bridge, linking students whose needs would otherwise make participation difficult in the classroom curriculum and environment. For example, assistive technology can help many children participate in educational activities and tasks. It also may improve the functional capabilities of a child with a disability in terms of mobility, communication, employment, and learning.

The IEP team must consider whether the child requires assistive technology devices or services in order to receive a free appropriate public education and meet the annual goals set in the IEP. These are defined as:

- Assistive technology **devices** are any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capabilities of a child with disabilities. 34 C.F.R. §300.5. Assistive technology devices can be acquired commercially off the shelf, modified, or customized.
- Assistive technology **services** are any services that directly assist a child with a disability to select, acquire, or use an assistive technology device. C.F.R. 34 §300.6.

What the Law Says

IDEA defines assistive technology devices and services. It also provides that assistive technology will be considered for each child with an IEP. [*Note*: Only portions of the regulations are provided here for your convenience.]

*[*Please note that only the materials in this appendix which have been marked with an ▣ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

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RESOURCE GUIDE (continued)

34 C.F.R. §300.5—Assistive technology device.

As used in this part, Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.

(Authority: 20 U.S.C. 1401(1))

34 C.F.R. §300.6—Assistive technology service.

As used in this part, Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.

The term includes—

(a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

(f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.

(Authority: 20 U.S.C. 1401(2))

34 C.F.R. §300.346—Development, review, and revision of IEP.

(a) Development of IEP.

...(2) Consideration of special factors. The IEP team also shall—

...(v) Consider whether the child requires assistive technology devices and services.

(b) Review and Revision of IEP. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider the factors described in paragraph (a) of this section.

(c) Statement in IEP. If, in considering the special factors described in paragraphs (a)(1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.

(d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of—

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(1) Appropriate positive behavioral interventions and strategies for the child; and

(2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with 300.347(a)(3).

...

(Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

34 C.F.R. §300.308—Assistive technology.

(a) Each public agency shall ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in §§300.5-300.6, are made available to a child with a disability if required as a part of the child's—

(1) Special education under §300.26;

(2) Related services under §300.24; or

(3) Supplementary aids and services under §§300.28 and 300.550(b)(2).

(b) On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP team determines that the child needs access to those devices in order to receive FAPE.

(Authority: 20 U.S.C. 1412(a)(12)(B)(i))

What Research Says

Prior to the 1980s, research in technology for students with disabilities was sparse. Researchers have accomplished a great deal since the middle of that decade.

When used appropriately, technology can enhance the lives of children with disabilities by providing them with access to the classroom and other learning environments. With the support of technology—particularly assistive devices—students with disabilities have increased their independence by learning to communicate more effectively, to control their environments, and to achieve greater mobility.

- Derer, Polsgrove, & Rieth, 1994.
- Todis & Walker, 1993.
- Todis, 1996.

Instructional applications of technology have enhanced students' learning and

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RESOURCE GUIDE (continued)

meaningful participation in classroom activities by enabling teachers to tailor instruction to their individual needs and to supplement and/or enhance effective instruction. Universal design—which provides multiple representations of information—also holds promise for helping children access print materials. Experts have described a universally designed curriculum as one in which: goals provide an appropriate challenge for all students; materials have a flexible format, supporting transformation between media and multiple representations of content to support all students' learning; methods are flexible and diverse enough to provide appropriate learning experiences, challenges, and supports for all students; and assessment is sufficiently flexible to provide accurate, ongoing information that helps teachers adjust instruction and maximize learning.

- Edwards, Blackhurst, & Koorland, 1995.
- Higgins & Boone, 1993.
- Hitchcock, Meyer, Rose, & Jackson, 2002.
- Okolo, Bahr, & Rieth, 1993.
- Okolo & Ferretti, 1996.
- Pisha & Coyne, 2001.
- Woodward & Carnine, 1993.
- Woodward & Rieth, 1997.

Computer-based learning may have a positive impact on young children with disabilities, particularly as it relates to fostering emergent reading, writing, and language skills, and developing prosocial behaviors.

- Howard, Greyrose, Kehr, Espinosa, & Beckwith, 1996.
- Hutinger, Johanson, & Stoneburner, 1996.
- Judge, 2001.
- Kinsley & Langone, 1995.
- Lesar, 1998.
- McCormick, 1987.
- O'Connor & Schery, 1986.

Research has pointed to a number of challenges in implementing technology tools with students with disabilities. Factors that limit the widespread use of assistive technology include lack of awareness, training, funding, administrative support, and time. Implementation success is typically associated with administrative leadership, adequate funding, technical support, teacher preparation, and release time to implement technologies.

- Gruner, et al., 2000.
- Hutinger, Johanson, & Stoneburner, 1996.
- Lesar, 1998
- Okolo, Cavalier, Ferretti, & MacArthur, 1995.
- McGregor & Pachuski, 1996.
- Wehmeyer, 1999.

Materials that Address Assistive Technology

1997 Individuals with Disabilities Education Act Amendments Increase Access to Technology for Students ☒

Author: Families and Advocates Partnership for Education (FAPE)

Publication Date: None given

Published By: Minneapolis, MN: PACER Center, Inc.

Available From: Download from the FAPE web site at **www.fape.org**. Item number: FAPE-13.

Format: Two-page document.

Brief Description: This document summarizes of the provisions related to assistive technology devices and services in IDEA. It also provides a brief historical look at considering assistive technology as part of an IEP meeting.

Assistive Technology Consideration (Quick Wheel) ☒

Author: Technology and Media Division (TAM) of the Council for Exceptional Children, Wisconsin Assistive Technology Initiative, & the IDEA Local Implementation by Local Administrators Partnership (ILIAD)

Publication Date: 2002

Published By: Council for Exceptional Children

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Available From: Council for Exceptional Children, 1110 North Glebe Road, Suite 300, Arlington, VA 22201, 888-232-7733 (toll free), 866-915-5000 (TTY toll free).

Format: Two-sided, manipulative wheel containing resources on assistive technology.

Brief Description: This resource provides a quick and easy way to locate listings of assistive technology (AT) tools for a variety of tasks. Users select a particular student goal area (e.g., mobility, vision, recreation, etc.), and line up the wheel to reveal a list of generic AT tools. In addition, one side presents federal definitions of AT devices and services. The other side provides information regarding AT resources and references. For more information on how to use this resource, see:

> IDEA Partnership Projects (2002). ASPIIRE/ILIAD: A new resource to help IEP teams address assistive technology needs. ***TEACHING Exceptional Children, 35***(2), 74-75.

Assistive Technology for Infants and Toddlers ☒

Author: Families and Advocates Partnership for Education (FAPE)

Publication Date: None given

Published By: Minneapolis, MN: PACER Center, Inc.

Available From: Download from the FAPE web site at **www.fape.org**. Order number: FAPE-12.

Format: Four-page document.

Brief Description: This document presents information in question-and-answer format regarding:

- The use of assistive technology by infants and toddlers.
- Rationale for using technology with infants and toddlers.
- How families can obtain assistive technology devices for their infant or toddler.
- IDEA provisions for providing assistive technology as part of early intervention services.
- A description of assistive technology evaluation and information on how families may request such assistance for their child.
- Where assistive technology devices and services may be provided.
- Paying for assistive technology.
- Training.

Contacts are provided for further information.

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Technology for Students with Disabilities: A Decision Maker's Resource Guide

Author: National School Boards Association (NSBA) and the U.S. Department of Education, Office of Special Education Programs (OSEP)

Publication Date: 1997

Published By: Alexandria, VA: National School Boards Association

Available From: NSBA, 1680 Duke Street, Alexandria, VA 22314, 703-838-6722.

Format: Soft cover booklet.

Brief Description: The guide provides information about commonly asked questions concerning technology and the education of children with disabilities. The book is organized by the following chapters:

- Supporting Teaching and Learning with Technology. This chapter provides school leaders with examples of how technology may help children participate and progress in the curriculum. It includes descriptions of how technology may provide students with disabilities access to participation in classrooms, help them master basic skills, and support them in learning complex material. It also describes how technology may make assessment and evaluation more precise and manageable.
- Finding the Right Technology and Paying for It. This chapter provides school leaders with suggestions for funding needed technology.
- Ensuring Your Investment Pays Off: Policies that Support Technology Implementation. This chapter provides school leaders with a discussion of due process. It also reviews policies and procedures for establishing a team to develop and implement technology plans.
- Resources for Information and Services. This chapter offers a comprehensive listing of national and state organizations that provide technology assistance, state education agencies, information centers and clearinghouses, and researchers.

An appendix contains excerpts from different federal laws related to technology for individuals with disabilities.

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RESOURCE GUIDE (continued)

Other Materials

Following are selected resources related to the topic of assistive technology. In some cases, the references relate to a section of a resource (e.g., a chapter, selected pages) that was more fully described in the Core Module of this package. [*Note*: Information on obtaining many of these resources is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Questions and Answers About IDEA: News Digest ☒

Citation: National Information Center for Children and Youth with Disabilities (NICHCY) (2000). ***Questions and answers about IDEA: News Digest.*** Washington, DC: Author.

Available From: NICHCY, P.O. Box 1492, Washington, DC 20013, 800-695-0285, **www.nichcy.org**.

Brief Description: This News Digest (ND21, second edition) answers questions about IDEA, including one about assistive technology devices and services (page 14).

Office of Special Education Programs Technology and Media Services Program: A Focus on Implementation and Utilization ☒

Citation: U.S. Department of Education, Office of Special Education Programs (2000). Office of Special Education Programs Technology and Media Services Program: A focus on implementation and utilization (pp. III-33 - III-48). In the ***Twenty-second annual report to Congress on the implementation of the Individuals with Disabilities Act.*** Washington, DC: Author.

Available From: Download from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/** or for a print copy contact Ed Pubs at 877-433-7827, 800-437-0833 (TTY toll free).

Brief Description: This chapter provides an overview of OSEP's IDEA Part D investments as they relate to technology and summarizes what we have learned.

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Computer Accessibility Technology Packet ☒

Citation: U.S. Department of Education (1997). ***Computer accessibility technology packet.*** Washington, DC: Author.

Available From: Download from OSEP's web site at **www.ed.gov/offices/OSERS/OSEP/**.

Brief Description: This 48-page technical assistance packet includes information about the technical aspects of access, legal obligations concerning technology and individuals with disabilities, and a list of resources for further information and assistance.

References

The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

Derer, K., Polsgrove, L., & Rieth, H. (1994). A survey of assistive technology applications in schools and recommendations for practice. ***Journal of Special Education Technology, 13***(2), 62-80.

Edwards, B., Blackhurst, A., & Koorland, M. (1995). Computer-assisted constant time delay prompting to teach abbreviation spelling to adolescents with mild learning disabilities. ***Journal of Special Education Technology, 12***(4), 310-311.

Gruner, A., Fleming, E., Carl, B., Diamond, C., Ruedel, K., Saunders, J., Paulsen, C., & McInerney, M. (2000). ***Synthesis on the selection and use of assistive technology.*** Washington, DC: American Institutes for Research.

Higgins, K., & Boone, R. (1993). Technology as a tutor, tool, and agent for reading. ***Journal of Special Education Technology, 12***(1), 28-37.

Hitchcock, C., Meyer, A., Rose, D., & Jackson, R. (2002). Providing new access to the general curriculum: Universal design for learning. ***TEACHING Exceptional Children, 35***(2), 8-17.

Howard, J., Greyrose, E., Kehr, K., Espinosa, M., & Beckwith, L. (1996). Teacher facilitated microcomputer activities: Enhancing social play and affect in young children with disabilities. ***Journal of Special Education Technology, 13***, 36-47.

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Hutinger, P., Johanson, J., & Stoneburner, R. (1996). Assistive technology applications in educational programs of children with multiple disabilities: A case study report on the state of the practice. ***Journal of Special Education Technology, 13***(1), 16-35.

Judge, S. (2001). Computer applications in programs for young children with disabilities: Current status and future directions. ***Journal of Special Education Technology, 16***(1), 29-37.

Kinsley, T., & Langone, J. (1995). Applications of technology for infants, toddlers, and preschoolers with disabilities. ***Journal of Special Education Technology, 12***, 312-324.

Lesar, S. (1998). Use of assistive technology with young children with disabilities: Current status and training needs. ***Journal of Early Intervention, 21***(2), 146-159.

McCormick, L. (1987). Comparison of the effects of a microcomputer activity and toy play on social and communication behaviors of young children. ***Journal of the Division for Early Childhood, 11***, 195-205.

McGregor, G., & Pachuski, P. (1996). Assistive technology in schools: Are teachers ready, able, and supported? ***Journal of Special Education Technology, 13***(1), 4-15.

O'Connor, L., & Schery, T. (1986). A comparison of microcomputer-aided and traditional language therapy for developing communication skills in non-oral toddlers. ***Journal of Speech and Hearing Disorders, 51***, 356-361.

Okolo, C.M., Bahr, C., & Rieth, H. (1993). A retrospective view of computer-based instruction. ***Journal of Special Education Technology, 12***(1), 1-27.

Okolo, C.M., Cavalier, A.R., Ferretti, R.P., & MacArthur, C.A. (1995). Projects funded by the Technology, Media, and Materials Program, 1986-1994: What have we learned? Unpublished manuscript.

Okolo, C., & Ferretti, R. (1996). The impact of multimedia design projects on the knowledge, attitudes, and collaboration of students in inclusive classrooms. ***Journal of Computing in Childhood Education, 7***, 223-251.

Pisha, B., & Coyne, P. (2001). Smart from the start. ***Remedial and Special Education, 22***(4), 197-203.

Todis, B., & Walker, H. (1993). User perspectives on assistive technology in educational settings. ***Focus on Exceptional Children, 26***(3), 1-16.

Todis, B. (1996). Tools for the task? Perspectives on assistive technology in educational settings. ***Journal of Special Education Technology, 13***(2), 49-61.

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U.S. Department of Education (2000). Office of Special Education Programs Technology and Media Services Program: A focus on implementation and utilization (pp. III-33 - III-48). In the ***Twenty-second Annual Report to Congress on the Implementation of the Individuals with Disabilities Act.*** Washington, DC: Author. ☒

Wehmeyer, M.L. (1999). Assistive technology and students with mental retardation: Utilization and barriers. ***Journal of Special Education Technology, 14***(1), 48-58.

Woodward, J., & Carnine, D. (1993). Uses of technology for mathematics assessment and instruction: Reflection on a decade of innovations. ***Journal of Special Education Technology, 12***(1), 38-48.

Woodward, J., & Rieth, H. (1997). A historical review of technology research in special education. ***Review of Educational Research, 67***(4), 503-536.

Resources

The following resources include organizations and/or web sites that feature information on the topic. In most cases, OSEP has not reviewed the information available from these resources for consistency with IDEA and no endorsement by OSEP is implied. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

The Alliance for Technology Access (ATA)

www.ataccess.org

Housed At: 2175 E. Francisco Blvd., Suite L, San Rafael, CA 94901, 415-455-4575, 415-455-0491 (TTY).

Brief Description: ATA is composed of networks of community-based centers, developers, vendors, affiliates, and associations dedicated to providing information and support services to children and adults with disabilities. The web site features resources, links, and information about advocacy initiatives.

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RESOURCE GUIDE (continued)

Closing the Gap

www.closingthegap.com

Housed At: P.O. Box 68, 526 Main Street, Henderson, MN 56004, 507-248-3294.

Brief Description: Closing the Gap focuses on computer technology in special education and rehabilitation. The web site offers a number of resources, including a resource directory that allows you to search a database of more than 2,000 products designed for students with special needs.

Center for Applied Special Technology (CAST)

www.cast.org

Housed At: CAST, 39 Cross Street, Peabody, MA 01960, 978-531-8555.

Brief Description: Founded in 1984, CAST is an educational, not-for-profit organization that uses technology to expand opportunities for all people, including those with disabilities. Areas of focus include:

- Universal design for learning (UDL).
- National Center on Accessing the General Curriculum, an OSEP-funded project.

The web site contains information and resources related to these topics.

Family Center on Technology and Disability

www.fctd.info

Housed At: Academy for Educational Development, 1825 Connecticut Avenue, 7th Floor, Washington, DC 20009, 202-884-8068.

Brief Description: The purpose of the Family Center is to assist organizations and programs that serve families of children with disabilities by providing information and support on accessing and using assistive technology. The web site contains a variety of resources, including material, links, and success stories.

RESOURCE GUIDE (continued)

Technology and Media Division, Council for Exceptional Children (TAM)

www.tamcec.org

Housed At: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 800-224-6830 (toll free), 866-915-5000 (TTY toll free).

Brief Description: TAM is a membership organization focused on supporting service providers and administrators in the use of assistive technology with students with disabilities. The TAM web site features products and services related to assistive technology for students with disabilities, such as:

- Articles from the *Journal of Special Education Technology.*
- *TAM Connector* newsletter.
- *TAM Technology in Action* reports.

U.S. Department of Education

www.ed.gov

Housed At: U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, 1-USA-LEARN.

Brief Description: Visit the U.S. Department of Education web site to find information related to:

- **Legal obligations**. Various laws related to technology are found on the web site, including Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and IDEA.
- **Funding**. Currently, all states receive federal funds under the Assistive Technology Act of 1998, which assists states in maintaining technology-related assistance programs for individuals with disabilities. Schools also can use federal funds for technology purchases from a number of interrelated programs, which are described on the web site.

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RESOURCE GUIDE

Family Involvement*

Family involvement in education is a key factor in improving student achievement. Parents of children with disabilities always have had a pivotal role in planning their child's education.

The role of parents as active partners in their child's education has always been supported by IDEA. IDEA specifically addresses the role of parents in the development and implementation of their child's IEP, as well as in decisions related to evaluation, identification, placement, and services. Schools must notify parents any time they propose to or refuse to initiate or change the identification, evaluation, placement, or provision of a free appropriate public education to the child. [*Note*: The term *parent* as used in this document is as defined in the IDEA regulations, 34 C.F.R. §300.20 and §303.19].

What the Law Says

IDEA is very clear that parents have the right to participate in the meeting where their child's IEP is developed. IDEA provides that the public agency must take specific actions when notifying the parents of the meeting, such as giving early notice, attempting to schedule the meeting at a mutually agreed upon time and place, stating the purpose of the meeting, and identifying other attendees. The agency also must take actions to ensure that parents understand and are able to participate in the proceedings at the meeting, including arranging for an interpreter in the event a parent with deafness or who speaks a native language other than English. IDEA also requires the public agency to provide the parents with a copy of the child's IEP. [*Note*: Only portions of the regulations are provided here for your convenience.]

*[*Please note that only the materials in this appendix which have been marked with an ▣ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

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C.F.R. §300.344—IEP team.

(a) General. The public agency shall ensure that the IEP team for each child with a disability includes—

(1) The parents of the child;

(2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

(3) At least one special education teacher of the child, or if appropriate, at least one special education provider of the child;

(4) A representative of the public agency who—

(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

(ii) Is knowledgeable about the general curriculum; and

(iii) Is knowledgeable about the availability of resources of the public agency;

(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of this section;

(6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(7) If appropriate, the child.

...

(Authority: 20 U.S.C. 1401(30), 1414(d)(1)(A)(7), (B))

34 C.F.R. §300.345—Parent participation.

(a) Public agency responsibility-general. Each public agency shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including—

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

(2) Scheduling the meeting at a mutually agreed on time and place.

(b) Information provided to parents.

(1) The notice required under paragraph (a)(1) of this section must—

(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

(ii) Inform the parents of the provisions in §300.344(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child).

(2) For a student with a disability beginning at age 14, or younger, if appropriate, the notice must also—

(i) Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in §300.347(b)(1); and

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(ii) Indicate that the agency will invite the student.

(3) For a student with a disability beginning at age 16, or younger, if appropriate, the notice must-

(i) Indicate that a purpose of the meeting is the consideration of needed transition services for the student required in §300.347(b)(2);

(ii) Indicate that the agency will invite the student; and

(iii) Identify any other agency that will be invited to send a representative.

(c) Other methods to ensure parent participation. If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) Conducting an IEP meeting without a parent in attendance. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its attempts to arrange a mutually agreed on time and place, such as -

(1) Detailed records of telephone calls made or attempted and the results of those calls;

(2) Copies of correspondence sent to the parents and any responses received; and

(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(e) Use of interpreters or other action, as appropriate. The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

(f) Parent copy of child's IEP. The public agency shall give the parent a copy of the child's IEP at no cost to the parent.

(Authority: 20 U.S.C. 1414(d)(1)(B)(i))

34 C.F.R. §300.346—Development, review, and revision of IEP.

(a) Development of IEP.

(1) General. In developing each child's IEP, the IEP team, shall consider—

(i) The strengths of the child and the concerns of the parents for enhancing the education of their child;

(ii) The results of the initial or most recent evaluation of the child; and

(iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

(2) Consideration of special factors. The IEP team also shall—

(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

(ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

(iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

(v) Consider whether the child requires assistive technology devices and services.

(b) Review and Revision of IEP. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider the factors described in paragraph (a) of this section.

(c) Statement in IEP. If, in considering the special factors described in paragraphs (a)(1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.

(d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of-

(1) Appropriate positive behavioral interventions and strategies for the child; and

(2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with 300.347(a)(3).

(e) Construction. Nothing in this section shall be construed to require the IEP team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.

(Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

34 C.F.R. §300.347—Content of IEP.

(a) **General**. The IEP for each child with a disability must include—

(1) A statement of the child's present levels of educational performance, including -

(i) How the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled children); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to—

(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children), or

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for preschool children, as appropriate, to participate in appropriate activities; and

(ii) Meeting each of the child's other educational needs that result from the child's disability;

(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

(4) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(3) of this section;

(5)

(i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and

(ii) If the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of—

(A) Why that assessment is not appropriate for the child; and

(B) How the child will be assessed;

(6) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

(7) A statement of—

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—

(A) Their child's progress toward the annual goals; and

(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

(b) **Transition services.** The IEP must include—

(1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and

(2) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

(c) **Transfer of rights.** In a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.

(d) **Students with disabilities convicted as adults and incarcerated in adult prisons.** Special rules concerning the content of IEPs for students with disabilities convicted as adults and incarcerated in adult prisons are contained in §300.311(b) and (c).

(Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6)(A)(ii))

34 C.F.R. §300.500—General responsibilities of public agencies; definitions.

(a) **Responsibility of SEA and other public agencies.** Each SEA shall ensure that each public agency establishes, maintains, and implements procedural safeguards that meet the requirements of §§300.500-300.529.

(b) **Definitions of "consent," "evaluation," and "personally identifiable."** As used in this part-

(1) **Consent** means that—

(i) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;

(ii) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

(iii)

(A) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime.

(B) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

(2) **Evaluation** means procedures used in accordance with §§300.530-300.536 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs; and

(3) **Personally identifiable** means that information includes—

(i) The name of the child, the child's parent, or other family member;

(ii) The address of the child;

(iii) A personal identifier, such as the child's social security number or student number; or

(iv) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

(Authority: 20 U.S.C. 1415(a))

Appendix I-16

RESOURCE GUIDE (continued)

34 C.F.R. §300.501—Opportunity to examine records; parent participation in meetings.

(a) **General**. The parents of a child with a disability must be afforded, in accordance with the procedures of §§300.562- 300.569, an opportunity to—

(1) Inspect and review all education records with respect to-

(i) The identification, evaluation, and educational placement of the child; and

(ii) The provision of FAPE to the child; and

(2) Participate in meetings with respect to—

(i) The identification, evaluation, and educational placement of the child; and

(ii) The provision of FAPE to the child.

(b) **Parent participation in meetings**.

(1) Each public agency shall provide notice consistent with §300.345(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (a)(2) of this section.

(2) A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

(c) **Parent involvement in placement decisions**.

(1) Each public agency shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

(2) In implementing the requirements of paragraph (c)(1) of this section, the public agency shall use procedures consistent with the procedures described in §300.345(a) through (b)(1).

(3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency shall use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

(4) A placement decision may be made by a group without the involvement of the parents, if the public agency is unable to obtain the parents' participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement, including information that is consistent with the requirements of §300.345(d).

(5) The public agency shall make reasonable efforts to ensure that the parents understand, and are able to participate in, any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness, or whose native language is other than English.

(Authority: 20 U.S.C. 1414(f), 1415(b)(1))

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34 C.F.R. §300.502—Independent education evaluation.

(a) General.

(1) The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section.

(2) Each public agency shall provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in paragraph (e) of this section.

(3) For the purposes of this part—

(i) Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question; and

(ii) Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with §300.301.

(b) Parent right to evaluation at public expense.

(1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency.

(2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either—

(i) Initiate a hearing under §300.507 to show that its evaluation is appropriate; or

(ii) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing under §300.507 that the evaluation obtained by the parent did not meet agency criteria.

(3) If the public agency initiates a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

(4) If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the public agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.

(c) Parent-initiated evaluations. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation-

(1) Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and

(2) May be presented as evidence at a hearing under this subpart regarding that child.

(d) Requests for evaluations by hearing officers. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(e) Agency criteria.

(1) If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of

the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

(2) Except for the criteria described in paragraph (e)(1) of this section, a public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

(Authority: 20 U.S.C. 1415(b)(1))

What Research Says

When surveyed, families generally express satisfaction with special education services. Further, parents of youth who have completed high school special education programs report that student achievement and independent functioning were attained. Research indicates that in most cases, parents perceptions are similar to those of their children.

- Green & Shinn, 1994.
- Levine & Edgar, 1994.
- Love & Malian, 1997.
- Miller, Strain, Boyd, Hunsicker, McKinley, & Wu, 1992.

School personnel factors found to enhance the involvement of parents with children with disabilities include establishing an ongoing relationship among parents and school personnel, providing professional development to familiarize school personnel with the techniques for and importance of involving families, teaching families about their rights under IDEA, and using specific strategies to encourage active participation (e.g., providing transportation). Parent involvement also may be enhanced when families perceive positive characteristics in the school (e.g., convenience of meeting times, value of participation activities, and perception that the parent's views were sought and valued). With regard to participation in IEPs, parent participation may be increased by avoiding the use of jargon and using open-ended questions.

- Bennett, DeLuca, & Bruns, 1997.
- Cheney, Manning, & Upham, 1997.
- Coots, 1998.
- Hock & Boltax, 1995.
- Salembier & Furney, 1997.
- Sileo & Prater, 1998.

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RESOURCE GUIDE (continued)

Including families from diverse cultural and linguistic backgrounds raises additional considerations. Systemic support in the form of culturally sensitive and family-centered practices—as well as respect for culturally-based child rearing practices—facilitates family participation in IEPs. Experts suggest that involvement of families from diverse cultural and linguistic backgrounds may be increased when professionals adjust service delivery to the family's beliefs about disability, health, and healing; respect the family's sense of propriety; and eliminate or reduce language barriers.

- Bennett, Zhang, & Hojnar, 1998.
- Garcia, Perez, & Ortiz, 2000.
- Hanson, Gutierrez, Morgan, Brennana, & Zercher, 1997.
- Hanson, Wolfberg, Zercher, Morgan, Gutierrez, Barnwell, & Beckman, 1998.
- Harry, 1992.
- Harry, Allen, & McLaughlin, 1996.
- Harry, Grenot-Scheyer, Smith-Lewis, Park, Xin, & Schwartz, 1995.
- Kalyanpur & Rao, 1991.
- McCollum & McBride, 1997.
- Midgette, 1995.
- Sileo & Prater, 1998.

In general, factors found to inhibit the involvement of parents of children with disabilities include certain behaviors of school personnel (e.g., appearing not to listen, failing to request parent input, disregarding family input, using jargon). With regard to families from diverse cultural and ethnic backgrounds, school staff may negatively affect involvement when they disregard or disrespect a parent's viewpoint, focus on the child's deficits, and disregard cultural differences that characterize parenting styles. When faced with these inhibitors over time, parents involvement often diminishes.

- Bennett, DeLuca, & Bruns, 1997.
- Bennett, Zhang, & Hojnar, 1998.
- Harry, 1992.
- Harry, Allen, & McLaughlin, 1996.
- Kalyanpur & Rao, 1991.
- Katz & Scarpati, 1995.
- Salembier & Furney, 1997.

Materials that Address Family Involvement

Family Involvement: A Framing Paper for A National Summit on the Shared Implementation of IDEA ☒

Author: IDEA Partnership Projects

Publication Date: June 2001

Published By: Arlington, VA: IDEA Partnership Projects

Available From: Download from the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Format: Six-page paper.

Brief Description: This framing paper provides an overview of parent participation as it relates to IDEA. Topics addressed include:

- Various types of parent involvement.
- Research on parent involvement.
- Ongoing challenges.

Questions Often Asked by Parents About Special Education Services ☒

Author: National Information Center for Children and Youth with Disabilities (NICHCY)

Publication Date: September 1999

Published By: Washington, DC: Author

Available From: Download from NICHCY web site at **www.nichcy.org**. Or contact NICHCY at P.O. Box 1492, Washington, DC 20013, 800-695-0285 (toll free voice or TTY).

Format: Brief report.

Brief Description: This brief report describes special education services in a question-and-answer format. Questions are organized around the following topics:

- Evaluation.

RESOURCE GUIDE (continued)

- Eligibility for special education.
- IEP.
- Re-evaluation.
- Other special education issues.

Pages 5 through 9 cover typical questions and answers related to parent participation. Although the document was written for parents, this section may be used as a quick reference with regard to parent participation.

Parent Involvement in Educating Children with Disabilities: Theory and Practice ☒

Author: U.S. Department of Education, Office of Special Education Programs

Publication Date: 1999

Published By: Washington, DC: Author

Available From: Chapter (I-1) found in the *Twenty-first Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act.* Download from the OSEP web site at **http://www.ed.gov/offices/OSERS/OSEP/** or request a print copy from Ed Pubs at 877-433-7827, 800-437-0833, (TTY toll free). You may link to the document from the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Also found on the ***Discover IDEA CD 2002***, available for ordering from the Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free).

Format: Chapter.

Brief Description: This chapter provides an overview of family involvement related to IDEA. Research is cited that documents the benefits of family involvement in their children's education.

Appendix I-16

RESOURCE GUIDE (continued)

Other Materials

Following are selected resources related to the topic of parent involvement. In some cases, the references relate to a section of a resource (e.g., a chapter, selected pages) that was more fully described in the Core Module of this package. [*Note*: Information on obtaining many of these resources is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org.**]

Effective Education of African American Exceptional Learners

Citation: Ford, B., Obiakor, F., & Patton, J. (1995). ***Effective education of African American exceptional learners.*** Austin, TX: Pro-Ed.

Available From: Information on obtaining this book is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Click on Professional Development Resources.

Brief Description: The edited text contains two chapters related to family involvement:

- African American Families (by B. Harry).
- African American Community Involvement Processes and Special Education: Essential Networks for Effective Education (by B. Ford).

Family Involvement in the Education of Elementary and Middle School Students Receiving Special Education ☒

Citation: U.S. Department of Education, Office of Special Education Programs (OSEP) (2001).Family involvement in the education of elementary and middle school students receiving special education (III-7-III-34). In the ***Twenty-third annual report to Congress on the implementation of the Individuals with Disabilities Education Act.*** Washington, DC: Author.

Available From: The report is available on the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**.

Brief Description: The report chapter presents data on family involvement prepared by the OSEP-funded Special Education Elementary Longitudinal Study (SEELS) (**www.seels.net**). Information from the SEELS family interview include family involvement in general school activities, the IEP process, and parent information, support, and training activities.

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RESOURCE GUIDE (continued)

IDEA Training Package ☒

Citation: U.S. Department of Education, Office of Special Education Programs (1997). ***IDEA training package***. Washington, DC: Author.

Available From: Download from the NICHCY web site at **www.nichcy.org**.

Brief Description: This is a comprehensive training package on IDEA, composed of a training curriculum with overheads prepared in both English and Spanish. The training package has a module on parent and student participation in decision making.

References

The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

Bennett, T., DeLuca, D., & Bruns, D. (1997). Putting inclusion into practice: Perspectives of teachers and parents. ***Exceptional Children, 64***(1), 115-131.

Bennett, T., Zhang, C., & Hojnar, L. (1998). Facilitating the full participation of culturally diverse families in the IFSP/IEP process. ***Infant-Toddler Intervention, 8***(3), 227-249.

Cheney, D., Manning, B., & Upham, D. (1997). Project DESTINY. ***Teaching Exceptional Children, 30***, 24-29.

Coots, J. (1998). Family resources and parent participation in schooling activities for their children with developmental delays. ***The Journal of Special Education, 31***, 498-520.

Ford, B., Obiakor, F., & Patton, J. (1995). ***Effective education of African American exceptional learners***. Austin, TX: Pro-Ed.

Garcia, S.B., Pérez, A.M., & Ortiz, A.A. (2000). Mexican American mothers' beliefs about disabilities. Implications for early childhood intervention. ***Remedial and Special Education, 21***(2), 90-100, 120.

Green, S., & Shinn, M. (1994). Parent attitudes about special education and reintegration: What is the role of student outcomes? ***Exceptional Children, 61***(3), 269-281.

Hanson, M.J., Gutierrez, S., Morgan, M., Brennan, E.L., & Zercher, C. (1997). Language, culture, and disability: Interacting influences on preschool inclusion. ***Topics in Early Childhood Special Education, 17***(3), 307-336.

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RESOURCE GUIDE (continued)

Hanson, M.J., Wolfberg, P., Zercher, C., Morgan, M., Gutierrez, S., Barnwell, D., & Beckman, P. (1998). The culture of inclusion: Recognizing diversity at multiple levels. ***Early Childhood Research Quarterly, 13***(1), 185-209.

Harry, B. (1992). Restructuring the participation of African-American parents in special education. ***Exceptional Children, 59,*** 123-131.

Harry, B., Allen, N., & McLaughlin, M. (1996). "Old-fashioned, good teachers": African American parents' views of effective early instruction. ***Learning Disabilities Research & Practice, 11***(3), 193-201.

Harry, B., Allen, N., & McLaughlin, M. (1995). Communication versus compliance: African-American parents' involvement in special education. ***Exceptional Children, 61,*** 364-377.

Harry, B., Grenot-Scheyer, M., Smith-Lewis, M., Park, H.S., Xin, F., & Schwartz, I. (1995). Developing culturally inclusive services for individuals with severe disabilities. ***The Journal of The Association for Persons with Severe Handicaps, 20***(2), 99-109.

Hock, M., & Boltax, R. (1995). ***Improved collaboration, less paperwork: Vermont's new family-centered IEP process.*** [ERIC Document Reproduction Service No. ED 387 877.]

IDEA Partnership Projects (June 2001). ***Family involvement: A framing paper for A National Summit on the Shared Implementation of IDEA.*** Arlington, VA: Author. [Available at **www.ideainfo.org.**] ☒

Kalyanpur, M., & Rao, S. (1991). Empowering low-income black families of handicapped children. ***American Journal of Orthopsychiatry, 61,*** 523-532.

Katz, L., & Scarpati, S. (1995). A cultural interpretation of early intervention teams and the IFSP: Parent and professional perceptions of roles and responsibilities. ***Infant-Toddler Intervention, 5***(2), 177-192.

Levine, P., & Edgar, E. (1994). An analysis by gender of long-term postschool outcomes for youth with and without disabilities. ***Exceptional Children, 61***(3), 282-300.

Love, L.L., & Malian, I.M. (1997). What happens to students leaving secondary special education services in Arizona? Implications for educational program improvement and transition services. ***Remedial and Special Education, 18***(5), 261-269.

McCollum, J.A., & McBride, S.L. (1997). Ratings of parent-infant interaction: Raising questions of cultural validity. ***Topics in Early Childhood Special Education, 17***(4), 494-519.

Midgette, T. (1995). Assessment of African American exceptional learners: New strategies and perspectives. In Ford, B., Obiakor, F., & Patton, J. (Eds.). ***Effective education of African American exceptional learners.*** Austin, TX: Pro-Ed.

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RESOURCE GUIDE (continued)

Miller, L., Strain, P., Boyd, K., Hunsicker, S., McKinley, J., & Wu, A. (1992). Parental attitudes toward integration. ***Topics in Early Childhood Special Education, 12***(2), 230-246.

Salembier, G., & Furney, K. (1997). Facilitating participation: Parents' perceptions of their involvement in the IEP/transition planning process. ***Career Development for Exceptional Individuals, 20***, 29-41.

Sileo, T.W., & Prater, M.A. (1998). Creating classroom environments that address the linguistic and cultural backgrounds of students with disabilities. ***Remedial and Special Education, 19***(6), 323-337.

U.S. Department of Education, Office of Special Education Programs (OSEP) (2001). Family involvement in the education of elementary and middle school students receiving special education (III-7-III-34). In the ***Twenty-third annual report to Congress on the implementation of the Individuals with Disabilities Education Act.*** Washington, DC: Author. ☒

U.S. Department of Education, (1999). Parent involvement in educating children with disabilities: Theory and practice (I-1). In the ***Twenty-first Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act.*** Washington, DC: Author. ☒

Resources

The following resources include organizations and/or web sites that feature information on the topic. In most cases, OSEP has not reviewed the information available from these resources for consistency with IDEA and no endorsement by OSEP is implied. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

Beach Center on Families and Disability

www.beachcenter.org

Housed At: The University of Kansas, Haworth Hall, Room 3136, 1200 Sunnyside Avenue, Lawrence, KS 66045, 785-864-7600.

Brief Description: The web site is devoted to supporting families of children with disabilities. The web site features listings of services, directories of parent training groups and centers, links to other web sites, and frequently asked questions.

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RESOURCE GUIDE (continued)

Families and Advocates in Partnership for Education (FAPE)

www.fape.org

Housed At: PACER Center, 8161 Normandale Boulevard, Minneapolis, MN 55437, 888-248-0822 (toll free), 952-838-0190 (TTY).

Brief Description: FAPE links families, advocates, and self-advocates to communicate about IDEA family involvement. The web site contains a number of resources related to IDEA and supporting achievement for children with disabilities. Examples include:

- **IDEA law and regulations**: Visit this section to find information about legislation affecting IDEA and the final regulations for IDEA '97.
- **Significant case decisions on IDEA**: This section provides summaries of key case decisions related to IDEA.
- **Special education topics**: This section provides information related to IDEA. Many documents may be downloaded. In addition, materials that are provided in languages other than English may be accessed easily by clicking on "Culturally Diverse Materials."

Federation of Children with Special Needs

www.fcsn.org

Housed At: FCSN, 1135 Tremont Street, Suite 420, Boston, MA 02120, 617-236-7210.

Brief Description: The Federation is a center for parents and parent organizations to work together on behalf of children with special needs and their families. The Federation operates a Parent Center and other projects such as PEER (which produces a number of products available to download from the web site).

Appendix I-16

RESOURCE GUIDE (continued)

Federation of Families for Children's Mental Health (FFCMH)

www.ffcmh.org

Housed At: 1101 King Street, Suite 420, Alexandria, VA 22314.

Brief Description: FFCMH is a national parent-run organization focused on the needs of children and youth with emotional, behavioral, or mental disorders and their families. The web site offers both English and Spanish options. Back issues of *Claiming Children* may be downloaded from the web site.

National Information Center for Children and Youth with Disabilities (NICHCY)

www.nichcy.org

Housed At: NICHCY, P.O. Box 1492, Washington, DC 20013, 800-695-0285 (toll free voice or TTY).

Brief Description: NICHCY is a national information and referral center that provides information on disabilities and disability-related issues primarily for families, although educators and other professionals may benefit from them as well. The web site contains a number of resources (some in languages other than English) related to IDEA and supporting achievement for children with disabilities.

Appendix I-16

RESOURCE GUIDE (continued)

PACER Center

www.pacer.org

Housed At: 8161 Normandale Boulevard, Minneapolis, MN 55437, 800-537-2237 (toll free in MN), 952-838-9000, 952-838-0190 (TTY).

Brief Description: The mission of the Parent Advocacy Coalition for Educational Rights (PACER) Center is to expand opportunities and enhance the quality of life of children and youth with disabilities and their families, based on the concept of parents helping parents. PACER directs a number of projects including FAPE and the Alliance project, which is the national coordinating office for consultation and technical assistance for 100 federally funded parent centers across the country under IDEA. The web site contains a number of resources (some in languages other than English) related to IDEA and supporting achievement for children with disabilities. Examples include:

- **Legislative information**: Find out recent federal legislative and administration actions related to students with disabilities.
- **Publications**: Find a listing of educational materials for parents and service providers on issues related to special education and disabilities.
- **Articles**: Find a collection of articles developed by PACER staff that may be downloaded. Among the many topics are juvenile justice, early childhood, and transition.

Pathway Guide*

*[*Please note that only the materials in this Pathway Guide which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education. Also, please note that because several of the documents referenced herein pre-date the passage of the No Child Left Behind Act of 2001 (NCLB) (passed January 8, 2002) and its implementing regulations, they do not address the requirements of NCLB. For information on NCLB, see* ***www.ed.gov****.]*

School Climate and Discipline

Inside this Pathway Guide*

The purpose of this Pathway Guide is to connect users to relevant materials that discuss provisions related to supporting a positive school climate and discipline in IDEA. To this end, the Pathway Guide is designed to expand users' knowledge about the provisions related to behavior in IDEA and is organized into the following sections:

- **Section 1: Introduction**: Use this section to orient yourself to the topic of school climate and discipline.
- **Section 2: Connections to the Law**: Use this section to locate the 1999 IDEA Regulations—presented verbatim—related to positive school climate and discipline.
- **Section 3: Connections to Relevant Materials**: Use this section to locate information on how IDEA addresses school climate and discipline. Also included are suggestions—called Information Builders—for sharing the materials with colleagues and others in the context of informal interchanges, professional development sessions, and/or meetings.
- **Section 4: Connections to Web-Based Resources**: Use this section to find additional information on school climate and discipline.

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- **Section 5: Connections to References**: Use this section to find citations for all resources used in this Pathway Guide.
- **Appendix**: Use this section to find resource tools, blackline masters for making transparencies and handouts, and Resource Guides.

No matter your role and responsibility—service provider, administrator, parent, policymaker, and/or an individual who desires a more extensive knowledge of school climate and discipline—you can use the following information to enhance your understanding and/or the understanding of others about the provisions in IDEA related to school climate and discipline.

Section 1: Introduction*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

All children and youth benefit from a safe and orderly learning environment. From a prevention approach, clear expectations and positive behavioral support—in addition to a fair and equitable discipline system—provide a structure that fosters active student engagement in instruction and learning activities.

A positive school climate is essential for all students. School climate may be defined as the qualities of a school that affect the attitudes, behavior, and achievement of the individuals involved in its operation—children, staff members, parents, and members of the community. Learning and teaching occur best in school climates that are positive, orderly, courteous, and safe.

School climate may impact upon educational practices related to educating students with disabilities. At the prevention level, this includes ensuring that students have access to and feel good about participating in all school academic and extracurricular activities.

School climate can markedly affect overrepresentation of students from different cultural and ethnic backgrounds in special education (NABSE & ILIAD, 2002). A school climate that respects individual differences and embraces diversity may contribute to the decline of students from diverse backgrounds being referred to special education. Culturally responsive instructional and management strategies as part of the school culture also may mitigate the disproportionate number of African American students who are suspended and expelled from school (Townsend, 2000).

A positive school climate also may affect the implementation of legal requirements. In the context of IDEA, all stakeholders should be fully cognizant of the requirements related to working with children with challenging behaviors. Generally, this includes understanding:

- The role of the IEP team in determining strategies and positive behavioral interventions. These provisions focus on instructional procedures that may decrease or prevent behaviors that impede the student's learning and/or the learning of others.
- When a functional assessment and behavioral management plan are required. These provisions focus on providing necessary support to a student with challenging behaviors, and work to establish the student's behavioral competence.
- How and when a change in placement as a result of behavior may occur. These provisions focus on due process procedures.

Section 2: Connections to the Law*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

An understanding of how school climate and discipline are addressed in IDEA begins with a thorough knowledge of the IDEA provisions. This section connects you to the IDEA provisions on challenging behavior as stated in the regulations. The provisions selected for this section relate to how prevention and supporting positive behavior may foster achievement for students with disabilities.

The section begins with a listing of the regulatory provisions. The provisions are organized by questions—such as "What does IDEA say about...?" —followed by the actual IDEA section number and text. [*Note*: The organizing questions are not regulatory language.]

Only portions of the regulations are provided here for your convenience. The complete statute and regulations are available electronically. You are encouraged to use the ***Discover IDEA CD 2002*** or the ASPIIRE/ILIAD web site at **www.ideapractices.org** to navigate your search of sections of interest. You also are encouraged to take advantage of the enhancement capability of these two resources to guide your search. For example, for selected provisions, these resources allow you to click on additional information about it (e.g., analysis of comments, discussions, and changes). To do this, click on a section of the regulations that pertain, in this case, to change of placement or discipline (a magnifying glass icon will guide you). Each regulation is presented, followed by a discussion entitled Analysis of Comments, Discussions, and Changes. This discussion provides a summary of relevant information that helped to inform the writing of the particular regulation.

Challenging Behavior: IDEA Regulations

Prevention. The regulatory provisions related to prevention and support of challenging behaviors follow.

What responsibilities do IEP teams have with regard to a child with challenging behavior?

34 C.F.R. §300.346—Development, review, and revision of IEP.

> (a) Development of IEP.
>
> (1) General. In developing each child's IEP, the IEP team, shall consider—
>
> (i) The strengths of the child and the concerns of the parents for enhancing the education of their child;
>
> (ii) The results of the initial or most recent evaluation of the child; and
>
> (iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.
>
> (2) Consideration of special factors. The IEP team also shall -
>
> (i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;
>
> (ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
>
> (iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;
>
> (iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
>
> (v) Consider whether the child requires assistive technology devices and services.
>
> (b) Review and Revision of IEP. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider the factors described in paragraph (a) of this section.
>
> (c) Statement in IEP. If, in considering the special factors described in paragraphs (a)(1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.
>
> (d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of-
>
> (1) Appropriate positive behavioral interventions and strategies for the child; and
>
> (2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with 300.347(a)(3). …
>
> (Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

Does the regular education teacher participate in the determination of appropriate positive behavioral interventions and strategies?

34 C.F.R. §300.346(d)—Development, review, and revision of IEP.

> …(d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of-
>
> (1) Appropriate positive behavioral interventions and strategies for the child; and
>
> (2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with 300.347(a)(3).
>
> (Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

What related services are available to assist with the development of positive behavioral interventions and the functional behavioral assessment of a student with challenging behavior?

34 C.F.R. 300.24(b)—Related services.

> …(b) **Individual terms defined**. The terms used in this definition are defined as follows:
>
> …
>
> (2) **Counseling services** means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.
>
> …
>
> (9) **Psychological services** includes—
>
> (i) Administering psychological and educational tests, and other assessment procedures;
>
> (ii) Interpreting assessment results;
>
> (iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
>
> (iv) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations;
>
> (v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and
>
> (vi) Assisting in developing positive behavioral intervention strategies.
>
> …
>
> (13) **Social work services in schools** includes—
>
> (i) Preparing a social or developmental history on a child with a disability;
>
> (ii) Group and individual counseling with the child and family;
>
> (iii) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;
>
> (iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
>
> (v) Assisting in developing positive behavioral intervention strategies.
>
> …
>
> (Authority: 20 U.S.C. 1401(22))

When must a behavioral intervention plan and functional behavioral assessment be conducted to support a child?

34 C.F.R. §300.520—Authority of school personnel.

> …(b)
>
> (1) Either before or not later than 10 business days after either first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement under §300.519, including the action described in paragraph (a)(2) of this section—
>
> (i) If the LEA did not conduct a functional

behavioral assessment and implement a behavioral intervention plan for the child before the behavior that resulted in the removal described in paragraph (a) of this section, the agency shall convene an IEP meeting to develop an assessment plan.

(ii) If the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation, and, modify the plan and its implementation as necessary, to address the behavior.

(2) As soon as practicable after developing the plan described in paragraph (b)(1)(i) of this section, and completing the assessments required by the plan, the LEA shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

(c)

(1) If subsequently, a child with a disability who has a behavioral intervention plan and who has been removed from the child's current educational placement for more than 10 school days in a school year is subjected to a removal that does not constitute a change of placement under §300.519, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(2) If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

...

(Authority: 20 U.S.C. 1415(k)(1), (10))

Due process. The following regulatory provisions relate to due process in the event that a change of placement is recommended as a result of disciplinary actions.

Do children with disabilities who have been suspended or expelled from school have a right to a free appropriate public education?

34 C.F.R. §300.121—Free appropriate public education (FAPE).

(a) **General.** Each State must have on file with the Secretary information that shows that, subject to §300.122, the State has in effect a policy that ensures that all children with disabilities aged 3 through 21 residing in the State have the right to FAPE, including children with disabilities who have been suspended or expelled from school.

...

(d) **FAPE for children suspended or expelled from school.**

(1) A public agency need not provide services during periods of removal under §300.520(a)(1) to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.

(2) In the case of a child with a disability who has been removed from his or her current placement for more than 10 school days in that school year, the public agency, for the remainder of the removals, must-

(i) Provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the removal is—

(A) Under the school personnel's authority to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519(b) (§300.520((a)(1)); or

(B) For behavior that is not a manifestation of the child's disability, consistent with §300.524; and

(ii) Provide services consistent with §300.522, regarding determination of the appropriate interim alternative educational setting, if the removal is—

(A) For drug or weapons offenses under §300.520(a)(2); or

(B) Based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if he or she remains in the current placement, consistent with §300.521.

(3)

(i) School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed under the authority of school personnel to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519 (§300.520(a)(1)).

(ii) The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability, consistent with §300.524.

...

(Authority: 20 U.S.C. 1412(a)(1))

When do removals for disciplinary purposes constitute a change in placement?

34 C.F.R. §300.519—Change of placement for disciplinary removals.

For purposes of removals of a child with a disability from the child's current educational placement under §§300.520-300.529, a change of placement occurs if—

(a) The removal is for more than 10 consecutive school days; or

(b) The child is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.

(Authority: 20 U.S.C. 1415(k))

When may school personnel remove a child from his or her current placement? When must services be provided?

34 C.F.R. §300.520—Authority of school personnel.

(a) School personnel may order—

(1)

(i) To the extent removal would be applied to children without disabilities, the removal of a child with a disability from the child's current placement for not more than 10 consecutive school days for any violation of school rules, and additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under §300.519(b));

(ii) After a child with a disability has been removed from his or her current placement for more than 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under §300.121(d); and

(2) A change in placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days, if—

(i) The child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or

(ii) The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.

(b)

(1) Either before or not later than 10 business days after either first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement under §300.519, including the action described in paragraph (a)(2) of this section—

(i) If the LEA did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the child before the behavior that resulted in the removal described in paragraph (a) of this section, the agency shall convene an IEP meeting to develop an assessment plan.

(ii) If the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation, and, modify the plan and its implementation as necessary, to address the behavior.

(2) As soon as practicable after developing the plan described in paragraph (b)(1)(i) of this section, and completing the assessments required by the plan, the LEA shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

(c)

(1) If subsequently, a child with a disability who has a behavioral intervention plan and who has been removed from the child's current educational placement for more than 10 school days in a school year is subjected to a removal that does not constitute a change of placement under §300.519, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(2) If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

(d) For purposes of this section, the following definitions apply:

(1) **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) **Illegal drug**-

(i) Means a controlled substance; but

(ii) Does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(3) **Weapon** has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

(Authority: 20 U.S.C. 1415(k)(1), (10))

What role does a hearing officer serve in ordering a change in placement for a child whose behavior is substantially likely to result in injury to the child or to others?

34 C.F.R. §300.521—Authority of hearing officer.

A hearing officer under section 615 of the Act may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer, in an expedited due process hearing—

(a) Determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of the child is substantially likely to result in injury to the child or to others;

(b) Considers the appropriateness of the child's current placement;

(c) Considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

(d) Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the child's special education teacher, meets the requirements of §300.522(b).

(e) As used in this section, the term **substantial evidence** means beyond a preponderance of the evidence.

(Authority: 20 U.S.C. 1415(k)(2), (10))

Who determines an interim alternative placement for a child?

34 C.F.R. §300.522—Determination of setting.

(a) **General**. The interim alternative educational setting referred to in §300.520(a)(2) must be determined by the IEP team.

(b) **Additional requirements**. Any interim alternative educational setting in which a child is placed under §§300.520(a)(2) or 300.521 must-

(1) Be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

(2) Include services and modifications to address the behavior described in §§300.520(a)(2) or 300.521, that are designed to prevent the behavior from recurring.

(Authority: 20 U.S.C. 1415(k)(3))

What must be considered when determining if there is a relationship between the child's disability and the behavior subject to the disciplinary action?

34 C.F.R. §300.523—Manifestation determination review.

(a) **General**. If an action is contemplated regarding behavior described in §§300.520(a)(2) or 300.521, or involving a removal that constitutes a change of placement under §300.519 for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the LEA that applies to all children-

(1) Not later than the date on which the decision to take that action is made, the parents must be notified of that decision and provided the procedural safeguards notice described in §300.504; and

(2) Immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review must be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.

(b) **Individuals to carry out review**. A review described in paragraph (a) of this section must be conducted by the IEP team and other qualified personnel in a meeting.

(c) **Conduct of review**. In carrying out a review described in paragraph (a) of this section, the IEP team and other qualified personnel may determine that the behavior of the child was not a manifestation of the child's disability only if the IEP team and other qualified personnel -

(1) First consider, in terms of the behavior subject to disciplinary action, all relevant information, including -

(i) Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the child;

(ii) Observations of the child; and

(iii) The child's IEP and placement; and

(2) Then determine that—

(i) In relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;

(ii) The child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and

(iii) The child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

(d) **Decision**. If the IEP team and other qualified personnel determine that any of the standards in paragraph (c)(2) of this section were not met, the behavior must be considered a manifestation of the child's disability.

(e) **Meeting**. The review described in paragraph (a) of this section may be conducted at the same IEP meeting that is convened under §300.520(b).

(f) **Deficiencies in IEP or placement**. If, in the review in paragraphs (b) and (c) of this section, a public agency identifies deficiencies in the child's IEP or placement or in their implementation, it must take immediate steps to remedy those deficiencies.

(Authority: 20 U.S.C. 1415(k)(4))

What happens if the IEP team determines that the behavior in question was not a manifestation of the disability?

34 C.F.R. §300.524—Determination that behavior was not manifestation of disability.

(a) **General**. If the result of the review described in §300.523 is a determination, consistent with §300.523(d), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities, except as provided in §300.121(d).

(b) **Additional requirement**. If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

(c) **Child's status during due process proceedings**. Except as provided in §300.526, §300.514 applies if a parent requests a hearing to challenge a determination, made through the review described in §300.523, that the behavior of the child was not a manifestation of the child's disability.

(Authority: 20 U.S.C. 1415(k)(5))

What if parents do not agree with the decisions regarding placement under the discipline provisions of IDEA or a manifestation determination?

34 C.F.R. §300.525—Parent appeal.

(a) General.

(1) If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement under §§300.520-300.528, the parent may request a hearing.

(2) The State or local educational agency shall arrange for an expedited hearing in any case described in paragraph (a)(1) of this section if a hearing is requested by a parent.

(b) Review of decision.

(1) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of the child's disability consistent with the requirements of §300.523(d).

(2) In reviewing a decision under §300.520(a)(2) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards in §300.521.

(Authority: 20 U.S.C. 1415(k)(6))

Where does a child receive services during appeals?

34 C.F.R. §300.526—Placement during appeals.

(a) **General**. If a parent requests a hearing or an appeal regarding a disciplinary action described in §300.520(a)(2) or 300.521 to challenge the interim alternative educational setting or the manifestation determination, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in §300.520(a)(2) or 300.521, whichever occurs first, unless the parent and the State agency or local educational agency agree otherwise.

(b) **Current placement**. If a child is placed in an interim alternative educational setting pursuant to §300.520(a)(2) or 300.521 and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the child must remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in paragraph (c) of this section.

(c) **Expedited hearing**.

(1) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the LEA may request an expedited due process hearing.

(2) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards in §300.521.

(3) A placement ordered pursuant to paragraph (c)(2) of this section may not be longer than 45 days.

(4) The procedure in paragraph (c) of this sec-

tion may be repeated, as necessary.

(Authority: 20 U.S.C. 1415(k)(7))

Do IDEA protections extend to a child who has not yet been determined eligible for special education and related services, who engages in challenging behavior?

34 C.F.R. §300.527—Protections for children not yet eligible for special education and related services.

(a) **General**. A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in §§300.520 or 300.521, may assert any of the protections provided for in this part if the LEA had knowledge (as determined in accordance with paragraph (b) of this section) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

(b) **Basis of knowledge**. An LEA must be deemed to have knowledge that a child is a child with a disability if -

(1) The parent of the child has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to personnel of the appropriate educational agency that the child is in need of special education and related services;

(2) The behavior or performance of the child demonstrates the need for these services, in accordance with §300.7;

(3) The parent of the child has requested an evaluation of the child pursuant to §§300.530-300.536; or

(4) The teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of the agency or to other personnel in accordance with the agency's established child find or special education referral system.

(c) **Exception**. A public agency would not be deemed to have knowledge under paragraph (b) of this section if, as a result of receiving the information specified in that paragraph, the agency-

(1) Either—

(i) Conducted an evaluation under §§300.530-300.536, and determined that the child was not a child with a disability under this part; or

(ii) Determined that an evaluation was not necessary; and

(2) Provided notice to the child's parents of its determination under paragraph (c)(1) of this section, consistent with §300.503.

(d) **Conditions that apply if no basis of knowledge**.

(1) **General**. If an LEA does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with paragraph (d)(2) of this section.

(2) **Limitations**.

(i) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under §300.520 or 300.521, the evaluation must be conducted in an expedited manner.

(ii) Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

(iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, including the requirements of §§300.520-300.529 and section 612(a)(1)(A) of the Act.

(Authority: 20 U.S.C. 1415(k)(8))

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Are school personnel prohibited from reporting crimes committed by children with disabilities to the appropriate law enforcement authorities?

34 C.F.R. §300.529—Referral to and action by law enforcement and judicial authorities.

> (a) Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.
>
> (b)
>
> (1) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.
>
> (2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.
>
> (Authority: 20 U.S.C. 1415(k)(9))

Section 3: Connections to Relevant Materials*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

The purpose of this section is to connect users to relevant materials, some of which have been reviewed by OSEP for consistency with IDEA. The materials have been written for a number of different audiences—teachers, administrators, families, policymakers, and other stakeholders.

Each day, stakeholders may need such information. Consider these possibilities:

- Because of your interest and knowledge of IDEA, a colleague has asked you to define and give examples of positive behavioral supports and interventions.
- A fellow IEP team member is confused about whether the IEP needs to include a particular statement about a child's challenging behavior and is looking to you and others for guidance.
- For your professional organization, you have been asked to lead a conference session on the IDEA provisions related to challenging behavior.
- As a parent liaison, you are asked your opinion about whether a particular child should be suspended or expelled for breaking a school rule.

- Several staff members at the weekly morning personnel meeting inquire about requirements related to regular educators' participation on IEP teams as it relates to discussing challenging behavior—and want to know what their rights and responsibilities are in the matter.
- As an administrator, you are called upon to explain to a group of parents the due process procedures for disciplining a child with disabilities.
- As a related service provider, you are asked to collaborate with a regular education classroom teacher to conduct a functional behavioral assessment.

As someone with knowledge of IDEA, you may be comfortable answering these questions or knowing where to go for answers. In some of these cases, your response may be enhanced by a print or electronic document that you can share.

This section contains selected materials (e.g., print guides, frequently asked questions, CD-ROM, booklets) related to school climate and discipline, some of which have been reviewed by OSEP for consistency with IDEA. It is important to note while other quality materials exist, the ones chosen for inclusion in the ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** package have particular applicability to administrators and service providers. This is not to say that family members, policymakers, and other stakeholders will not benefit from the materials—indeed, many of the resources are relevant for all groups—but that the particular application of information will be most relevant given the roles and responsibilities of administrators and service providers.

For a listing of OSEP-reviewed materials, visit the National Information Center for Children and Youth with Disabilities (NICHCY) at **www.nichcy.org**.

Organization of the Annotations—Relevant Materials

Information in the annotations is organized as follows:

- Name of the resource.
- Author.
- Publication date.
- Publisher.
- Availability. In many cases, the documents may be downloaded from links on the Internet. In a few cases, documents must be purchased. Information is given to that effect. More detailed ordering information can be found on the ASPIIRE/ILIAD web site: **www.ideapractices.org**.
- Format. Information is given about the resource, such as whether it is print or media-based, number of pages (as appropriate), and availability in an alternate language (e.g., Spanish) or format (e.g., Braille).
- Brief description.
- Possible uses. A brief description of how to use and/or share the materials is offered. Occasionally, Information Builders—suggestions for activities that utilize the resource—will be offered. In some instances, tools (e.g., sample activities, blackline masters, handouts, checklists) that may be used in the context of sharing the resource are referenced.

These tools are found in the appropriate appendix.

Annotated Materials

IDEA Requirements for Preschoolers with Disabilities: Challenging Behavior ☒

Author: Walsh, S., Smith, B., & Taylor, R.

Publication Date: 2000

Published By: Arlington, VA: The Division for Early Childhood of the Council for Exceptional Children

Availability: The guide is electronically available in html and PDF formats on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Order print versions from the Council For Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Format: This 20-page guide is excerpted from: Walsh, S., Smith, B., & Taylor, R. (2000). ***IDEA requirements for preschoolers with disabilities: IDEA early childhood policy and practice guide***. Arlington, VA: Division for Early Childhood or the Council for Exceptional Children. [See listing in Core Module.]

Brief Description: This brief guide excerpts the sections relevant to challenging behavior from the ***IDEA Early Childhood Policy and Practice Guide*** (see Core Module for description). The guide addresses the IDEA discipline provisions under Part B as they relate to children ages 3 through 5 and their families, and at a state's direction, to two-year-old children with disabilities who will turn three during the school year. In addition, nonregulatory guidance or helpful suggestions are included in the document, as well as effective practice and resource recommendations from the Division for Early Childhood of the Council for Exceptional Children (DEC).

Possible Uses: This reference guide offers a focused look at IDEA as it relates to challenging behavior in young children. If you will be addressing individuals with an early childhood interest (e.g., elementary school administrators, preschool personnel, parents, teachers, and related service providers), this guide can help you prepare information in ways that are specific to this group.

Further, the commentary found in the margin can be used to enhance presentations or discussions about IDEA provisions for challenging behavior. For example, when discussing preventive measures for addressing discipline issues, the guide refers the reader to a discussion in the Attachment 1: Analysis of Comments and Changes section of the law. Such information may deepen your knowledge base and position you to provide fuller and richer descriptions of the concept, which in this case is challenging behavior and its relationship to the education of young children with disabilities.

In addition, the notes from DEC enable the user to connect to best thinking in the early childhood special education field. These notes also further direct readers to larger issues related to the topic at hand. For example, when discussing preventive measures, DEC cites the resource—***Journal of Positive Interventions***—for information on defining positive behavioral interventions.

When using the guide in the context of professional development (e.g., study teams, workshops, courses, staff meetings), consider the following Information Builder activities.

INFORMATION BUILDER D.a

DEC Position Statement

DEC has a position statement on interventions for challenging behavior (download the statement from DEC's web site at **www.dec-sped.org**—select "Position Papers and Policies"). Ask participants to assess their own position on the three major principles espoused in DEC's position (see **Appendix D-1**). After discussing participants' reactions, review the entire statement. As a variation, ask participants to rate themselves and rate how they think their fellow participants will rate the items. Or, as a variation, ask participants to debate both sides of the statement. In preparing for the debate, ask them, "Who might disagree with the statements and why?"

INFORMATION BUILDER D.b

Preassessment

Preassessments can be used to help leaders organize material for a group, as well as to help orient participants to a topic. Page seven of the guide lists the questions answered in the guide. As a preassessment, ask participants to review the questions. Have them rate the questions using a system such as: **K** (I know the answer to this), **T** (I think I know the answer to this), **N** (I have no idea what the answer is to this question). Convene the group and compare results. As a variation to this activity, ask participants to rate the questions in terms of priority. For example, 1 is high priority (I need this answered now), 2 is priority (I think this is important information, but it is not essential to my work that I have an answer today), 3 is low priority (I would like to know this information eventually). Compare ratings within the group.

INFORMATION BUILDER D.c

Test Your Knowledge Jigsaw

This activity may be used to help participants immerse themselves in the information related to challenging behavior. Have participants form small groups. Ask members in each group to select a question or two and study the answer (allow five minutes). Next, ask group members to attempt to answer each question. The "expert" member for that question assesses the group's accuracy and corrects or adds information as appropriate.

INFORMATION BUILDER D.d

Appendix A of the IDEA Part B Regulations

Throughout the guide, reference is made to the Introduction section of the Part B regulations (Discipline for Children with Disabilities) and Attachment 1 (Analysis of Comments and Changes—these are based on an analysis of issues raised by public comments), both of which provide additional guidance from the U.S. Department of Education on selected regulations. Introduce the purpose of these resources and provide an opportunity for participants to familiarize themselves with them. For example, using ***Discover IDEA CD 2002*** (or go to the ASPIIRE/ILIAD web site at **www.ideapractices.org**), direct participants to the Introduction section of the Part B regulations and Attachment 1. For demonstration purposes, refer to the questions cited in ***IDEA Requirements for Preschoolers with Disabilities: Challenging Behavior*** (see **Appendix D-2** for an activity sheet).

Overview of the Major Discipline Provisions in the 1999 IDEA Regulations

Author: Silverstein, R.

Publication Date: May 1999

Published By: Washington, DC: Center for the Advancement of Disability Policy at the George Washington University School of Public Health and Health Services

Available From: ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Format: Eleven-page document.

Brief Description: This brief document summarizes the major provisions related to discipline and students with disabilities. The document describes:

- The authority of school personnel and others to remove a child with a disability from his or her current placement.
- When educational services must begin for a child with a disability.
- Functional behavior assessments and behavioral intervention plans.
- Manifestation determinations.
- Application of the stay put provision.

Possible Uses: The document makes a quick reference of all IDEA provisions related to behavior. In addition, it may be used as one of the following:

- Study guide.
- Agenda outline (see **Appendix D-3**).
- Handout for a professional development session.

If using the document within a professional development session, consider the following Information Builders.

INFORMATION BUILDER D.e

Brain Dump

Ask participants to share everything they think they know about the regulations in each section. The agenda outline in **Appendix D-3** may be used as a guide. Once participants have listed their thoughts, present the information. Revisit participants' initial thoughts afterward. Ask participants to comment on regulations that surprised them.

INFORMATION BUILDER D.f

Discuss Implications

After discussing one set of regulations, invite participants to share their thoughts about the implementation implications of them. To structure the discussion, consider using the template, "I understand the rationale for the regulation, **but** ..." Encourage participants to discuss how they expect their constituents (e.g., parents, administrators, teachers) to react to the regulations.

INFORMATION BUILDER D.g

What Do I Think and Feel About Discipline?

Before introducing the Silverstein document, ask participants what they think and feel about discipline for students with disabilities. Distribute index cards and ask them to write their thoughts on one side and their feelings on the other. Collect the cards and shuffle them. Ask participants to form small groups. Distribute the note cards randomly to groups and allow time for the groups to read and discuss the cards. Redistribute the cards several times so that participants have a chance to read as many as possible. Invite participants to share their reactions to what was written on the cards. To extend the activity, ask participants to review the Introduction section of the Part B regulations ("Discipline for Children with Disabilities"). The Introduction may be found on ***Discover IDEA CD 2002*** or on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Invite participants to share their reactions and then move into a discussion of the Silverstein article.

Prevention Research and the IDEA Discipline Provisions: A Guide for School Administrators ☒

Author: U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS)

Publication Date: 2001

Published By: Washington, DC: OSERS

Available From: To view the full text, go to the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**.

Format: Eight-page guide comprised of bulleted lists; includes letter from OSERS.

Brief Description: The stated purpose of this guide is to provide school administrators with information about what works to create safe, effective learning environments for all children. It also seeks to clarify some common misunderstandings about what schools can do in those rare instances where a child with a disability threatens the safe school environment. The guide is organized in bulleted lists according to the following topics:

- The challenge.
- Impact of the challenge.
- A systematic solution.
- Positive behavioral support.
- Data supported evidence for whole school interventions.
- What administrators are saying.
- Legal requirements under the law.
- Resources.

Possible Uses: Although the guide is designed for administrators, it may be used with other stakeholders for exploring prevention and creating safe learning environments. For a more complete discussion of the bulleted lists in this document, you are encouraged to review the document: Sugai, G., Horner, R., Dunlap, G., Hieneman, M., Lewis, T., Nelson, C.M., Scott, T., Liaupsin, C., Sailor, W., Turnbull, A., Turnbull, H.R., Wickham, D., Ruef, M., & Wilcox, B. (1999). ***Applying positive behavioral support and functional behavioral assessment in schools***. Eugene, OR: Center on Positive Behavioral Interventions and Support. [Available from: Center on Positive Behavioral Interventions and Support, Behavioral Research and Training, 5262 University of Oregon, Eugene, OR 97403, 541-346-2505, **www.pbis.org**.]

If working within a professional development context, consider the following Information Builders.

INFORMATION BUILDER D.h

Conversation Starters

Use the first two sections to stimulate discussion. For example, ask participants, "What challenges do you face in creating safe, effective, and orderly learning environments?" and "How does negative behavior impact schools?" After discussing each, summarize using the points found in the guide (see **Appendix D-4** and **Appendix D-5** for transparency blackline masters). Ask participants to comment on individual items.

INFORMATION BUILDER D.i

True or False?

Show the statements in **Appendix D-6** and ask participants to determine if they are true or false. [*Note*: They are all true.] Discuss reactions. Use this discussion as a segue into a presentation focused on the information in the document.

INFORMATION BUILDER D.j

Where Is This in the Regulations?

Procedural considerations are listed on page 6 of the document (see **Appendix D-7** for an activity sheet). Engage participants in an activity in which, working in small groups, they find and read the accompanying regulation. For this activity, use a printed version of the regulations, or make available the use of the **Discover IDEA CD 2002** or ASPIIRE/ILIAD web site at **www.ideapractices.org**. For this activity, direct participants to the following regulations: 34 C.F.R. §§ 330.121 and 300.519-529.

INFORMATION BUILDER D.k

Schoolwide Approaches

Share the information in the document about schoolwide responses to prevention (pages 3-5). Ask participants to share information about schoolwide prevention strategies in their schools and districts. Invite them to compare the approaches described with the set of characteristics on page 3 of the document (see **Appendix D-8**).

Other Resources that Address School Climate and Discipline

There are other resources related to school climate and discipline that may provide additional sources of information. In some cases, selected relevant materials described in the Discover IDEA Core Module of this package address school climate and discipline and are thus, considered supplemental sources of information. [*Note*: Information on obtaining many of these resources is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Safe Schools—Safe Students: Guidelines for Implementing Discipline Procedures Under the New Individuals with Disabilities Education Act

Citation: Council of Administrators of Special Education (1997). ***Safe schools—safe students: Guidelines for implementing discipline procedures under the new Individuals with Disabilities Education Act (IDEA)***. Albuquerque, NM: Author.

Available From: Information on obtaining this product is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Brief Description: The resource guide assists administrators in implementing the IDEA provisions related to behavior, including: development of a school plan, discipline procedures for students with disabilities, the IEP team's role in the discipline process, due process, records, and professional development issues.

Every Single Student PEER Project

Citation: Federation for Children with Special Needs (FCSN) (2000). ***Every single student PEER Project***. Boston, MA: Author.

Available From: The entire manual may be downloaded from the PEER Project link at the FCSN web site at **www.fcsn.org/peer**.

Brief Description: This manual, written prior to NCLB, focuses on standards-based education and children with disabilities. The manual is divided into 13 topical sections, one of which concerns behavior.

Discover IDEA CD 2002 ☒

Citation: IDEA Partnership Projects, Education Development Center, Western Regional Resource Center at the University of Oregon, & National Information Center for Children and Youth with Disabilities (2002). ***Discover IDEA CD 2002***. Arlington, VA: Council for Exceptional Children.

Available From: Order from the Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Brief Description: This CD provides information on the Individuals with Disabilities Education Act of 1997 to educators, related services providers, parents, advocates, administrators, and policymakers who strive for quality education for all children. Go to the "Discipline for Children with Disabilities: Questions and Answers" document from OSEP. This five-page brief provides some key changes in the IDEA 1999 Regulations regarding discipline for children with disabilities. [*Note*: This document also is available on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.]

Implementing IDEA: A Guide for Principals ☒

Citation: IDEA Local Implementation by Local Administrators Partnership (ILIAD), & National Association of Elementary School Principals (NAESP), (2001). ***Implementing IDEA: A guide for principals***. Arlington, VA: Council for Exceptional Children, and Alexandria, VA: NAESP.

Available From: The document is available on-line in both PDF and Word formats on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Order the print version from the National Association of Elementary School Principals, 1615 Duke Street, Alexandria, VA 22314, 800-38-NAESP (toll free), **www.naesp.org**.

Brief Description: The guide is designed to provide principals in elementary and middle schools with guidance on ensuring quality special education services and early intervention. The document was designed to supplement other NAESP standards documents—***Standards for Quality Elementary and Middle Schools***, and ***Early Childhood Education and the Elementary School Principal***--by emphasizing the pivotal importance of building principals in ensuring that special education, related services, and early intervention are integrated and operationalized throughout the regular school program. Of particular note is a chapter on school climate.

Addressing Over-Representation of African American Students in Special Education: The Prereferral Process—An Administrator's Guide

Citation: National Alliance of Black School Educators, & the IDEA Local Implementation by Local Administrators Partnership (ILIAD) (2002). ***Addressing over-representation of African American students in special education: The prereferral process—An administrator's guide***. Washington, DC: NABSE, and Arlington, VA: Council for Exceptional Children.

Available From: The guide may be downloaded from the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Order the guide from NABSE at 310 Pennsylvania Avenue, SE, Washington, DC 20003, 202-608-6310, 800-221-2654; or from the Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Brief Description: The guide, which features the work of NABSE focus groups, presents an overview of overrepresentation followed by a discussion of how prereferral intervention practices may address the problem. Of particular note is the chapter on addressing overrepresentation through school climate. Included are checklists that provide recommendations for addressing overrepresentation (e.g., implementing prereferral intervention processes, understanding the effect of school climate, and involving families).

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Mental Health, Schools and Families Working Together For All Children and Youth: Toward a Shared Agenda—A Concept Paper ☒

Citation: National Association of State Mental Health Program Directors, and the Policymaker Partnership for Implementing IDEA (PMP) (2001). ***Mental health, schools and families working together for all children and youth: Toward a shared agenda—A concept paper***. Alexandria, VA: National Association of State Directors of Special Education.

Available From: The document is available on the PMP web site at **www.ideapolicy.org**.

Brief Description: The purpose of the document is to encourage State and local family and youth organizations, mental health agencies, education entities, and schools to form new relationships to achieve positive social, emotional, and educational outcomes for every child. The document offers recommendations for policy development and identifies changes needed to move toward systemic collaboration to coordinate and integrate programs and services.

Questions and Answers About IDEA ☒

Citation: National Information Center for Children and Youth with Disabilities (NICHCY) (2000). ***Questions and answers about IDEA***. Washington, DC: Author.

Available From: Download from the NICHCY web site at **www.nichcy.org**. Or contact NICHCY at P.O. Box 1492, Washington, DC 20013, 800-695-0285.

Brief Description: The news digest addresses behavior in the procedural safeguards section, and includes a discussion of educational records and the inclusion of disciplinary information in those records, discipline procedures for students with disabilities, and placement decisions.

Young Exceptional Children: Practical Ideas for Addressing Challenging Behavior

Citation: Sandall, S., & Ostrosky, M. (1999). ***Young exceptional children: Practical ideas for addressing challenging behavior***. Longmont, CO: Sopris West.

Available From: Information on obtaining this product is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Brief Description: This edited monograph presents articles on the following topics: the Division for Early Childhood of the Council for Exceptional Children's position statement on interventions for challenging behavior and concept papers on identification and intervention with challenging behavior, challenging behaviors in the classroom, addressing challenging behaviors at home, the role of the classroom environment in the prevention of problem behaviors, and strategies.

The Disproportionate Discipline of African American Learners: Reducing School Suspensions and Expulsions

Citation: Townsend, B. (2000). The disproportionate discipline of African American learners: Reducing school suspensions and expulsions. ***Exceptional Children*, *66***(3), 381-391.

Available From: Information on obtaining this product is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Brief Description: This scholarly article summarizes the research examining exclusionary discipline practices and their impact on African American students. Culturally responsive instructional and management strategies are discussed as means to mitigate school suspensions and expulsions.

School Discipline and Students with Disabilities ☒

Citation: U.S. Department of Education, Office of Special Education Programs (1999). School discipline and students with disabilities. In the ***Twenty-first annual report to Congress on the implementation of the Individuals with Disabilities Education Act***. Washington, DC: Author.

Available From: Found on the ***Discover IDEA CD 2002***, and on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Or, download from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**. For a print version, contact Ed Pubs at 877-433-7827 [800-437-0833 TTY toll free].

Brief Description: The chapter, School Discipline and Students with Disabilities (III-41), provides an overview of how IDEA affects school or district discipline policies. It also presents data from a 1996 study showing the number and percentage of students with disabilities subject to different types of school discipline.

Outcomes for Students with Problem Behaviors in School: Issues, Predictors, and Practices ☒

Citation: U.S. Department of Education, Office of Special Education Programs (2001). Outcomes for students with problem behaviors in school: Issues, predictors, and practices (I-33-I-48). In the ***Twenty-third annual report to Congress on the implementation of the Individuals with Disabilities Education Act***. Washington, DC: Author.

Available From: Found on the ***Discover IDEA CD 2002***, and on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Or, download from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**. For a print version, contact Ed Pubs at 877-433-7827 [800-437-0833 TTY toll free].

Brief Description: The report chapter reviews what is known about the academic and life outcomes for students with emotional and behavioral disorders. It includes a section summarizing effective prevention practices, including positive behavioral support and effective instruction and collaborative practices.

IDEA Training Package ☒

Citation: U.S. Department of Education, Office of Special Education Programs (OSEP) (1997). ***IDEA training package***. Washington, DC: Author.

Available From: May be downloaded from the NICHCY web site at **www.nichcy.org**.

Brief Description: This is a comprehensive training package on IDEA. It includes a training curriculum with overheads prepared in both English and Spanish. The training package includes a discussion of behavior in the procedural safeguards section.

School Climate and Discipline: Resource Guides

The topics of school climate and discipline are very broad. In the context of sharing information about school climate and discipline, related topics may arise. Resource Guides offer you a more in-depth look at these topics.

The Resource Guides are organized according to the following framework:

- **Brief Description of the Topic**. Use this section to orient yourself to how the Resource Guide topic is related to supporting achievement for students with disabilities and IDEA.
- **What the Law Says**. Use this section to locate IDEA 1999 Regulations related to the Resource Guide topic. [*Note*: Only portions of the regulations are provided here for your convenience.]
- **What Research Says**. Use this section to obtain a summary of the research and, if appropriate, information generated by experts who are working in the area on the Resource Guide topic. The section presents a summary of research findings, followed by a list of references. These references are presented as complete citations in the last section, References. [*Note*: For information on the approach used to scan the research base, see the discussion in the Core Module.]
- **Relevant Materials**. Use this section to locate materials that address the Resource Guide topic. Some of the materials have been reviewed by OSEP for consistency with IDEA.
- **References and Resources**. Use the Reference section to find citations for all literature used in the Resource Guide. The Resources section contains selected web sites and organizations concerned primarily with the Resource Guide topic. [*Note*: In some cases, no resources are cited. This means that no web site was identified as providing substantial information particular to the Resource Guide topic in the context of IDEA.]

The Appendix contains several Resource Guides that direct users to more targeted information on selected topics. Individuals may have particular information needs related to specific provisions in IDEA, such as:

- Positive Behavioral Support. [See **Appendix D-9**.]
- Functional Behavioral Assessment. [See **Appendix D-10**.]
- Interim Alternative Educational Setting. [See **Appendix D-11**.]

It is important to note that the topics chosen for discussion here are not all-inclusive. Indeed, many other topics related to school climate and discipline have relevance. As additional Resource Guides are developed, they will be posted on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Section 4: Connections to Web-Based Resources*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

Many web sites exist that connect users to new materials, resources, and information on school climate and discipline and IDEA. While many web sites that address the needs of children with disabilities exist, only those that provide relevant information related to IDEA and supporting achievement for children with disabilities have been chosen for inclusion in this section. In some cases, the site may only mention IDEA, while in others more substantive resources on the topic are available. Frequently, the sites refer users to other web sites related to the topic.

Often, documents referenced in ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** can be downloaded from a particular site. Become familiar with—maybe even bookmark—the sites that are referenced most frequently in this package. They include:

- **www.ideapractices.org**—home of the Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE) and the IDEA Local Implementation by Local Administrators Partnership (ILIAD) projects.
- **www.fape.org**—home of the Families and Advocates Partnership for Education (FAPE) project.
- **www.ideapolicy.org**—home of the Policymaker Partnership project.
- **www.ed.gov/offices/OSERS/OSEP/**—home of the U.S. Office of Special Education Programs (OSEP).
- **www.nichcy.org**—home of the National Information Center for Children and Youth with Disabilities (NICHCY).

This section presents selected web sites that address school climate and discipline and IDEA in more elaborate ways, such as:

- Offering an online document on the topic.
- Providing information on IDEA provisions.
- Linking to resources on IDEA.

Following are descriptions of web sites, along with suggestions for visiting them for the purpose of finding out more information about challenging behavior and IDEA. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

Center for Effective Collaboration and Practice (CECP)

www.air-dc.org/cecp/

Housed At: American Institutes for Research, 1000 Thomas Jefferson St., NW, Suite 400, Washington, DC 20007, 888-457-1551, 202-944-5400.

Brief Description: The Center for Effective Collaboration and Practice (CECP), funded by OSEP, facilitates collaboration at the federal, state, and local levels for the production, exchange, and use of effective practices for people with emotional disturbance. At this site you can:

- Review mini web sites, such as *Safe and Effective Schools for All Students,* and *All Communities: What Works.*
- Download documents, such as *Safeguarding Our Children: An Action Guide.* Or browse the documents online to access embedded hot links to research references, programs, and projects.
- Link to other web sites that provide additional resources on behavior management.

Council for Children with Behavioral Disorders (CCBD)

http://www.ccbd.net

Housed At: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 800-224-6830 (toll free), 866-915-5000 (TTY toll free).

Brief Description: CCBD, a division of the Council for Exceptional Children, is a membership organization for professionals who work with children and youth with emotional/behavioral disorders. CCBD publishes a scholarly journal, ***Behavioral Disorders***, and a practitioner magazine, ***Beyond Behavior***. The web site contains position papers, white papers, and general advocacy information related to IDEA and children and youth with challenging behaviors.

National Association of School Psychologists (NASP)

www.nasponline.org

Housed At: 4340 East-West Highway, Suite 402, Bethesda, MD 20814, 301-657-0270, 301-657-4155 (TTY).

Brief Description: The National Association of School Psychologists (NASP) is a membership organization that promotes educationally and psychologically healthy environments for all children and youth through state-of-the-art research and training, advocacy, ongoing program evaluation, and professional service. NASP publishes the ***Communiqué*** newsletter and other documents. The web site contains resources and links to other organizations.

National Center on Education, Disability and Juvenile Justice (EDJJ)

www.edjj.org

Housed At: University of Maryland, Department of Special Education, Benjamin Building, College Park, MD 20742, 301-405-6462.

Brief Description: In 1999, OSEP and the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) funded EDJJ. The site contains information on:

- Prevention.
- Education programs.
- Transition aftercare.
- Policy studies.
- Parent support.
- Training resources.
- Links to other resources.

A number of publications are found on the site. Of particular interest are:

- *Special Education in Correctional Facilities* **[http://www.edjj.org]**, which provides an overview of the topic.
- *Collaborate to Educate: Special Education in Juvenile Correctional Facilities* **[http://www.edjj.org]**, which provides an overview of the need for collaboration among educators and treatment professionals.

OSEP Center on Positive Behavioral Interventions and Supports (PBIS)

www.pbis.org

Housed At: Behavioral Research and Training, 5262 University of Oregon, Eugene, OR 97403, 541-346-2505, 541-346-2444 (TTY).

Brief Description: This site, which is supported in part by a grant from OSEP, gives schools capacity-building information and technical assistance for identifying, adapting, and sustaining effective school disciplinary activities. The site includes:

- **Case studies**. Here you will find examples of how teams created behavior plans. Forms mentioned in the case study can be downloaded.
- **Brief fact sheets**. Here you will find brief descriptions of positive behavioral support practices, along with frequently asked questions.
- **Research briefs**. Here you will find user-friendly summaries of key research articles in positive behavior support.
- **Power-Point presentations**. Here you can view presentations given by Center staff at different events.
- **Links**. Other web sites concerned with supporting positive behavior are presented.
- **Useful materials and relevant literature**. Additional resources are listed. In some cases, links are provided that allow you to download the resource.

Rehabilitation Research & Training Center on Positive Behavioral Support (RRTC-PBS)

http://rrtcpbs.fmhi.usf.edu/

Housed At: University of South Florida, 13301 Bruce B. Downs Blvd., Tampa, FL 33612, 813-974-4612.

Brief Description: The RRTC-PBS works to develop and disseminate procedures to improve support for individuals with disabilities and problem behavior. You can download the following documents from their site: *Facilitator Guide on Positive Behavioral Support,* and *Benchmarks of Effective Practice.*

Section 5: Connections to References*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

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Council of Administrators of Special Education (1997). ***Safe schools—safe students: Guidelines for implementing discipline procedures under the new Individuals with Disabilities Education Act (IDEA)***. Albuquerque, NM: Author.

Dunlap, G., Kern-Dunlap, L., Clarke, S., & Robbins, F. (1991). Functional assessment, curricular revision, and severe behavior problems. ***Journal of Applied Behavior Analysis, 24***, 387-397.

Dunlap, G., Kern, L., DePerczel, M., Clarke, S., Wilson, D., Childs, K., et al. (1993). Functional analysis of classroom variables for students with emotional and behavioral disorders. ***Behavioral Disorders, 18***, 275-291.

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Gable, R., Quinn, M., Rutherford, R., Howell, K., & Hoffman, C. (1998). ***Addressing student problem behavior—Part II: Conducting a functional behavioral assessment***. Washington, DC: Center for Effective Collaboration and Practice (CECP), American Institutes for Research.

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Appendix D-1

Division for Early Childhood Position Statement on Challenging Behavior

Major Principles

To what extent do you agree or disagree?
4 = Strongly Agree
3 = Agree
2 = Disagree
1 = Disagree Strongly

___ 1) Many young children engage in challenging behavior in the course of early development. The majority of these children respond to developmentally appropriate management techniques.

___ 2) Many types of services and intervention strategies are available to address challenging behavior.

___ 3) Families play a critical role in designing and carrying out effective interventions for challenging behavior.

Accompanies
INFORMATION BUILDER D.a

Appendix D-2

Explore Introduction Section to Part B Regulations: Discipline for Children with Disabilities

1) Question #2 (page 12415) IEP team determination of appropriate positive behavioral interventions

Notes: ____

____

2) Question #4 (page 12415) How schools may address challenging behavior

Notes: ____

____

Accompanies

INFORMATION BUILDER D.d

Appendix D-2, continued

3) Question #4 (page 12415) Appropriateness of certain responses to address behavior identified in a child's behavior intervention plan

Notes: ____

____

Explore Attachment 1

1) IEP team responsibility for determining appropriate positive behavioral interventions [page 12620]

Notes: ____

____

____

2) Definition of a change in placement [page 12619]

Notes: ____

____

____

Accompanies

INFORMATION BUILDER D.d

Appendix D-3

Agenda Outline

1) Authority of school personnel and others to remove a child with a disability from his or her current placement

- Short-term removals.
- Discipline when the behavior of a child with a disability is not a manifestation of his or her disability.
- Weapons, drugs.
- Substantial likelihood of injury (hearing officer).
- Substantial likelihood of injury (court order).
- Referral to law enforcement officials.

2) When services must begin for a child with the disability

- Removal for up to 10 school days in a year.
- Short-term removals that do not constitute a change in placement after the child has already been removed for 10 school days in a school year.
- Long-term removals when the child's behavior is not a manifestation of a disability after the child has already been removed for 10 school days in a school year.
- Removals for weapons and drugs.
- Removals by hearing officers for behavior that is substantially likely to result in injury to child or other.

3) Functional behavioral assessments and behavioral intervention plans

- Developing an IEP, in general.
- Initial removal for more than 10 school days in a school year.
- Subsequent removals for more than 10 school days in a school year.
- Commencing a removal that constitutes a change in placement.

Accompanies

INFORMATION BUILDER D.e

Appendix D-3, continued

4) Manifestation determinations

- Circumstances under which manifestation determinations are required.
- Notice to parents.
- Timing of review.
- Individuals to carry out review.

5) Application of the stay put provision

Accompanies

INFORMATION BUILDER D.e

Appendix D-4

The Challenge of Creating Safe Schools

- To be effective, learning environments, schools need to be safe and orderly.
- Problem behavior is the single most common reason why students are referred for removal from school.
- Challenges facing educators are significant and persistent.
- Across the nation, schools are being asked to do more with less.
- Punishment and exclusion remain the most common responses to student problem behavior.
- Reprimands, detentions, and exclusion are documented as ineffective strategies for improving the behavior of children in schools.

Accompanies

INFORMATION BUILDER D.h

Appendix D-5

How Negative Behavior Impacts Schools

- Loss of instructional time for all students.
- Overemphasis on reactive discipline and classroom management practices to control behavior.
- Chaotic school environments that disenfranchise families and school staff.
- Ineffective and inefficient use of student and staff resources and time.

Accompanies

INFORMATION BUILDER D.h

Appendix D-6

True or False?

- To be effective learning environments, schools need to be safe and orderly.
- Problem behavior is the single most common reason why students are referred for removal from school.
- Punishment and exclusion remain the most common responses to student problem behavior.
- Reprimands, detentions, and exclusion are documented as ineffective strategies for improving the behavior of children in schools.

Accompanies

INFORMATION BUILDER D.i

Appendix D-7

What the Law Allows: Procedural Considerations

1) School personnel can remove a student with a disability for 10 consecutive school days or less at a time for a violation of the school code of conduct (to the same extent applied to children without disabilities), as long as those removals do not constitute a change in placement. School personnel can immediately remove, for up to 10 consecutive school days or less, the same child for separate incidences of misconduct, as long as those removals do not constitute a change in placement.

Regulations: ________________________________

Comments: ________________________________

____

Accompanies

INFORMATION BUILDER D.j

Appendix D-7, continued

2) School personnel can order a change of placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability will be subject to discipline, but for not more than 45 days for possession of weapons or drugs or the solicitation or sale of controlled substances while at school and school functions.

Regulations: ____

Comments: ____

____

3) If school personnel believe that a child is dangerous to himself or herself or others, they can ask a hearing officer in an expedited due process hearing to remove a student to an interim alternative educational setting for up to 45 days.

Regulations: ____

Comments: ____

____

4) Forty-five-day interim alternative educational placements can be extended in additional 45-day increments if the hearing officer agrees that the child continues to be substantially likely to injure himself or herself or others if returned to his or her prior placement.

Regulations: ____

Comments: ____

____

Accompanies
INFORMATION BUILDER D.i

Appendix D-7, continued

5) School personnel can remove a child with a disability, including suspending or expelling for behavior that is not a manifestation of the child's disability, to the same extent as is done for children without disabilities.

Regulations: ____________________

Comments: ____________________

____

6) School personnel can report crimes to appropriate law enforcement and judicial authorities.

Regulations: ____________________

Comments: ____________________

____

7) School personnel can always ask a court for a temporary restraining order in order to protect children or adults from harmful behaviors.

Regulations: ____________________

Comments: ____________________

____

Accompanies

INFORMATION BUILDER D.j

Appendix D-8

Creating Schoolwide Responses

- Policies (e.g., procedural handbooks), structures (e.g., behavioral support teams), and routines (opportunities for students to learn expected behavior) are in place.
- School staff define, teach, monitor, and acknowledge appropriate social behavior for all students. They do not wait for students to fail before providing behavioral supports.
- Policies, systems, and practices are in place for making problem behavior less effective, efficient, and relevant and desired behavior more functional.

Accompanies
INFORMATION BUILDER D.k

Appendix' D-9

RESOURCE GUIDE

Positive Behavioral Support*

Positive behavioral support is a general term that refers to the culturally appropriate application of positive behavioral interventions and systems to achieve socially important behavior change (U.S. Department of Education, ***Annual Report to Congress on the Implementation of IDEA***, 2000). Positive behavioral interventions and supports is an application of a behaviorally-based systems approach. It is based on research regarding behavior in the context of the settings where it occurs. Schools, families, and communities work with this approach to design effective environments to improve behavior. Such environmental interventions, in turn, serve to make problem behavior less effective, efficient, and relevant and desired behavior more functional.

The goal of positive behavioral supports is to enhance the capacity of schools to educate all students, especially students with challenging social behaviors, by establishing an effective continuum of positive behavioral systems and practices (Sugai & Horner, in press; Sugai, Horner, & Gresham, 2002). The application of this behaviorally-based systems approach is designed to:

- Eliminate problem behavior.
- Replace problem behavior with more appropriate behavior.
- Increase a person's skills and opportunities for an enhanced quality of life.

Changes made to the environment are intended to make problem behavior less effective, efficient, and relevant, and desired behavior more functional. Functional behavioral assessments are used to ensure reliability and validity of positive behavioral supports.

*[*Please note that only the materials in this appendix which have been marked with an ▣ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

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What the Law Says

The IDEA Amendments added provisions requiring schools to assess children's challenging behavior and develop positive behavioral interventions to address that behavior. [*Note*: Only portions of the regulations are provided here for your convenience.]

34 C.F.R. §300.346—Development, review, and revision of IEP.

(a) Development of IEP.

(1) General. In developing each child's IEP, the IEP team, shall consider—

(i) The strengths of the child and the concerns of the parents for enhancing the education of their child;

(ii) The results of the initial or most recent evaluation of the child; and

(iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

(2) Consideration of special factors. The IEP team also shall -

(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

(ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

(iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

(v) Consider whether the child requires assistive technology devices and services.

(b) Review and Revision of IEP. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider the factors described in paragraph (a) of this section.

(c) Statement in IEP. If, in considering the special factors described in paragraphs (a)(1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.

(d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of-

(1) Appropriate positive behavioral interventions and strategies for the child; and

(2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with 300.347(a)(3).

...

(Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

34 C.F.R. 300.24(b)—Related services.

...(b) **Individual terms defined**. The terms used in this definition are defined as follows:

(2) **Counseling services** means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

...

(9) **Psychological services** includes—

(i) Administering psychological and educational tests, and other assessment procedures;

(ii) Interpreting assessment results;

(iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;

(iv) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations;

(v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and

(vi) Assisting in developing positive behavioral intervention strategies.

...

(13) **Social work services in schools** includes—

(i) Preparing a social or developmental history on a child with a disability;

(ii) Group and individual counseling with the child and family;

(iii) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;

(iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and

(v) Assisting in developing positive behavioral intervention strategies.

...

(Authority: 20 U.S.C. 1401(22))

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What Research Says

The use of positive behavioral intervention and support emerged more than a decade ago as an alternative to more traditional behavior approaches for students with severe disabilities. Positive behavioral support was initially developed for use with students with significant disabilities who engaged in extreme forms of self-injury and aggression (Durand & Carr, 1985).

In recent years, positive behavioral support has been applied successfully with a wide range of students (from an intervention approach for individual students to an intervention approach for entire schools) and in a variety of contexts. Experts estimate that more than 500 schools are currently implementing schoolwide positive behavioral supports and are evidencing the following benefits: decrease in office referrals, academic gains, and more time directed toward academic instruction.

- Colvin, Kame'enui, & Sugai, 1993.
- Colvin, Sugai, Good, & Lee, 1997.
- Lewis, Sugai, & Colvin, 1998.
- Sugai & Horner, 2001.

Materials that Address Positive Behavioral Supports and Interventions

Addressing Student Problem Behavior—Part III: Creating Positive Behavioral Intervention Plans and Supports ☒

Author: Gable, R., Quinn, M., Rutherford, R., Howell, K., & Hoffman, C.

Publication Date: June 2000

Published By: Washington, DC: The Center for Effective Collaboration and Practice (CECP), American Institutes for Research

Available From: May be downloaded from the CECP web site at **www.air-dc.org/cecp/**. Or, contact the Center for Effective Collaboration and Practice, American Institutes for Research, 1000 Thomas Jefferson Street, NW, Suite 400, Washington, DC 20007, 888-457-1551.

Appendix D-9

RESOURCE GUIDE (continued)

Format: 22-page report, forms in appendix.

Brief Description: The report addresses the rationale for developing positive behavioral interventions, and offers a method for developing, implementing, and monitoring a positive behavioral intervention plan. A concluding section discusses obstacles to using functional behavioral assessments and positive behavioral intervention plans and supports. Appendices include sample checklists and planning forms.

Applying Positive Behavioral Support and Functional Behavioral Assessment in Schools

Author: Sugai, G., Horner, R., Dunlap, G., Hieneman, M., Lewis, T., Nelson, C.M., Scott, T., Liaupsin, C., Sailor, W., Turnbull, A., Turnbull, H.R., Wickham, D., Ruef, M., & Wilcox, B.

Publication Date: August 1999

Published By: Eugene, OR: Center on Positive Behavioral Interventions and Support

Available From: Center on Positive Behavioral Interventions and Support, Behavioral Research and Training, 5262 University of Oregon, Eugene, OR 97403, 541-346-2505, **www.pbis.org.**

Format: 24-page report.

Brief Description: This report summarizes the research base underlying the use of positive behavioral supports and functional behavioral assessments. The document first reviews the features of positive behavioral support (PBS), which are:

- PBS is founded on the science of human behavior.
- PBS interventions incorporate functional behavioral assessment (the use of data collection and analysis to inform decision making), environmental design (changing aspects of the setting), curriculum redesign (teaching new skills), modification of behavior (teaching and changing adult and student behavior), and removing rewards that maintain problem behavior.
- PBS emphasizes consideration of social values in both the results expected from behavioral interventions and the strategies employed in delivering the interventions.
- PBS interventions target behavioral systems as well as individual children.

Appendix D-9

RESOURCE GUIDE (continued)

Second, the document summarizes functional behavioral assessment and describes a process for completing one.

Effective Discipline Policies and Practices—A Schoolwide Approach

Authors: Autin, D., & Vohs, J.

Publication Date: (1999)

Published By: Boston, MA: Federation for Children with Special Needs

Available From: Parents Engaged in Education Reform (PEER) Project, Federation for Children with Special Needs, 1135 Tremont Street, Suite 420, Boston, MA 02120, 617-236-7210, **www.fcsn.org/peer**.

Format: 14-page information brief.

Brief Description: This information brief, designed for parents, describes how the concept of positive behavior support may be extended into the entire school context.

Positive Behavioral Interventions and Supports ☒

Author: U.S. Department of Education, Office of Special Education Programs (OSEP)

Publication Date: none

Published By: Washington, DC: Author

Available From: The document may be accessed on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Or, if you are using the ***Discover IDEA CD 2002***, it can be found in OSEP Documents. Also, download from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**.

Format: Two-page fact sheet.

Brief Description: This fact sheet provides basic information about the concept of positive behavioral supports and interventions, and the importance of changing the environment rather than the individual. It suggests that positive behavioral supports may prove to be a powerful tool for schools and families to use in troubleshooting behavior and creating positive learning environments. The document may serve as a starting discussion point for more in-depth study.

RESOURCE GUIDE (continued)

School Climate and Discipline: Going to Scale ☒

Author: Sugai, G., & Horner, R.

Publication Date: June 2001

Published By: Paper presented at A National Summit on the Shared Implementation of IDEA, Washington, DC. Hosted by the IDEA Partnership Projects

Available From: May be downloaded from the ASPIIRE/ILIAD web site at **www.ideapractices.org.**

Format: Seven-page paper.

Brief Description: The paper was written to frame issues related to behavior and IDEA. It presents:

- Introduction and overview.
- Multiple perspectives.
- Summary of research.
- Summary of ongoing challenges.
- Resources for more information.

Other Materials

Following are selected resources related to the topic of functional behavioral assessment. In some cases, the references relate to a section of a resource (e.g., a chapter, selected pages) that was more fully described in the Core Module of this package. [*Note*: Information on obtaining many of these materials is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org.**]

School-wide Behavior Programs: Research Brief

Citation: Families and Advocates Partnership for Education (FAPE). ***School-wide behavior programs: Research brief.*** Minneapolis, MN: PACER Center, Inc.

Available From: Download from the FAPE web site at **www.fape.org**.

Brief Description: This three-page document summarizes how positive behavioral supports and interventions may be designed schoolwide. The document includes resources for more information.

Functional Behavioral Assessment and Positive Interventions: What Parents Need to Know

Citation: Jordan, D. (no date). Functional behavioral assessment and positive interventions: What parents need to know. Minneapolis, MN: Families and Advocates Partnership for Education (FAPE).

Available From: Download from the FAPE web site at **www.fape.org**.

Brief Description: This eight-page document provides a brief overview of the functional behavioral assessments and positive interventions. Practical suggestions are given for developing a behavior intervention plan and linking the topics to school discipline policies.

Positive Behavioral Interventions: What Parents Need to Know ☒

Citation: Jordan, D. (1999). ***Positive behavioral interventions: What parents need to know.*** Minneapolis, MN: PACER Center

Available From: Contact the PACER Center at 8161 Normandale Drive, Minneapolis, MN 55437, 888-248-0822, **www.pacer.org** or **www.fape.org**. Also available on the CD-ROM: Families and Advocates Partnership for Education (FAPE) (1999). ***Individuals with Disabilities Education Act (IDEA): A Workshop for Families, Advocates, and Self-Advocates.*** Minneapolis, MN: Technical Assistance Alliance for Parent Centers, PACER Center.

Brief Description: This print guide and collection of transparencies (on CD ROM) introduces families to the concepts of positive interventions and functional assessment.

Appendix D-9

RESOURCE GUIDE (continued)

The Disproportionate Discipline of African American Learners: Reducing School Suspensions and Expulsions

Citation: Townsend, B. (2000). The disproportionate discipline of African American learners: Reducing school suspensions and expulsions. ***Exceptional Children*, 66**(3), 381-391.

Available From: Information on obtaining this product is found on the ASPIIRE/ ILIAD web site at **www.ideapractices.org**.

Brief Description: This scholarly article summarizes the research examining exclusionary discipline practices and their impact on African American students. Culturally responsive instructional and management strategies are discussed as means to mitigate school suspensions and expulsions.

Applying Positive Behavioral Support in Schools ☒

Citation: U.S. Department of Education, Office of Special Education Programs (2000). Applying positive behavioral support in schools (III-7 - III-31). In the ***Twenty-second annual report to Congress on the implementation of the Individuals with Disabilities Act***. Washington, DC: Author.

Available From: Download from the OSEP web site at **www.ed.gov/offices/OSERS/ OSEP/** or request a print copy from Ed Pubs at 877-433-7827, 800-437-0833 (TTY toll free).

Brief Description: This chapter provides an overview of positive behavioral support and functional behavioral assessment prepared by the OSEP Center on Positive Behavioral Interventions and Supports.

Social Skills Instruction ☒

Citation: U.S. Department of Education, Office of Special Education Programs (OSEP) (no date). ***Social skills instruction***. Washington, DC: Author.

Brief Description: This two-page fact sheet describes social skills instruction as a positive behavioral intervention.

RESOURCE GUIDE (continued)

Available From: Download from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**. Or link to it from the ASPIIRE/ILIAD web site at **www.ideapractices.org**. It also is available on the ***Discover IDEA CD 2002***.

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The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

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Lewis, T., Sugai, G., & Colvin, G. (1998). Reducing problem behavior through a school-wide system of effective behavioral support: Investigation of a school-wide social skills training program and contextual interventions. ***School Psychology Review, 27,*** 446-459.

Sugai, G., & Horner, R. (in press). The evolution of discipline practices: School-wide positive behavioral supports. ***Child and Family Behavior Therapy.***

Sugai, G., & Horner, R. (2001). ***School climate and discipline: Going to scale.*** Paper presented at the National Summit on the Shared Implementation of IDEA, Washington, DC. ☒

Sugai, G., Horner, R., & Gresham, F. (2002). Behaviorally effective school environments. In M.R. Shinn, G. Stoner, & H.M. Walker (Eds.), ***Interventions for academic and behavior problems: Preventive and remedial approaches.*** Bethesda, MD: National Association of School Psychologists.

U.S. Department of Education, Office of Special Education Programs (2000). Applying positive behavioral support in schools (pp. III-7 - III-31). In the ***Twenty-second Annual Report to Congress on the Implementation of the Individuals with Disabilities Act.*** Washington, DC: Author. ☒

Resources

The following resources include organizations and/or web sites that feature information on the topic. In most cases, OSEP has not reviewed the information available from these resources for consistency with IDEA and no endorsement by OSEP is implied. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

Center for Effective Collaboration and Practice (CECP)

www.air-dc.org/cecp

Housed At: 1000 Thomas Jefferson St., NW, Washington, DC 20007, 888-457-1551, 202-944-5000.

Brief Description: The Center for Effective Collaboration and Practice (CECP), funded by OSEP, facilitates collaboration at the federal, state, and local levels for the production, exchange, and use of effective practices for people with emotional disturbance. The web site contains documents and links to sites concerned with challenging behavior.

OSEP Center on Positive Behavioral Interventions and Supports (PBIS)

www.pbis.org

Housed At: Behavioral Research and Training, 5262 University of Oregon, Eugene, OR 97403, 541-346-2505.

Brief Description: The OSEP-funded site contains numerous documents and links related to addressing challenging behavior.

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RESOURCE GUIDE (continued)

U.S. Department of Education, Office of Special Education Programs

www.ed.gov/offices/OSERS/OSEP/

Housed At: Office of Special Education and Rehabilitative Services, U.S. Department of Education, 330 C Street, SW, Washington, DC 20202, 202-205-5507.

Brief Description: The OSEP web site provides documents related to IDEA and challenging behavior, as well as IDEA and its regulations.

Appendix* D-10

RESOURCE GUIDE

Functional Behavioral Assessment*

Functional behavioral assessment (FBA) is an integral component of designing effective behavior support plans. Functional behavioral assessment is a systematic process for describing problem behaviors and identifying the environmental factors and surrounding events associated with problem behavior. This information is used to identify and teach more appropriate replacement behaviors and to develop an effective plan for reducing the frequency or severity of the problem behavior (for more information, see U.S. Department of Education, Office of Special Education Programs, *Functional Behavioral Assessment*).

IDEA requires that, at a minimum, the functional behavioral assessment be conducted when disciplinary sanctions result in extended periods in which a student is removed from school. In addition to the IDEA requirements, the functional behavioral assessment gives schools valuable information about the possible causes of problem behavior. The functional behavioral assessment is used to define the problem behaviors, describe the settings under which problem behaviors are and are not likely to be observed, identify the function of the problem behaviors, and collect information from direct observation to support the outcomes (for more information, see U.S. Department of Education, Office of Special Education Programs, *Functional Behavioral Assessment*).

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*[*Please note that only the materials in this appendix which have been marked with an ⊠ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

RESOURCE GUIDE (continued)

What the Law Says

The discipline provisions of IDEA require schools to assess children's challenging behavior and develop positive behavioral interventions to address that behavior. [*Note*: Only portions of the regulations are provided here for your convenience.]

34 C.F.R. §300.520—Authority of school personnel.

(a) School personnel may order—

(1)

(i) To the extent removal would be applied to children without disabilities, the removal of a child with a disability from the child's current placement for not more than 10 consecutive school days for any violation of school rules, and additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under §300.519(b));

(ii) After a child with a disability has been removed from his or her current placement for more than 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under §300.121(d); and

(2) A change in placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days, if—

(i) The child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or

(ii) The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.

(b)

(1) Either before or not later than 10 business days after either first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement under §300.519, including the action described in paragraph (a)(2) of this section—

(i) If the LEA did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the child before the behavior that resulted in the removal described in paragraph (a) of this section, the agency shall convene an IEP meeting to develop an assessment plan.

(ii) If the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation, and, modify the plan and its implementation as necessary, to address the behavior.

(2) As soon as practicable after developing the plan described in paragraph (b)(1)(i) of this section, and completing the assessments required by the plan, the LEA shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

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(c)

(1) If subsequently, a child with a disability who has a behavioral intervention plan and who has been removed from the child's current educational placement for more than 10 school days in a school year is subjected to a removal that does not constitute a change of placement under §300.519, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(2) If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

(d) For purposes of this section, the following definitions apply:

(1) **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) **Illegal drug**-

(i) Means a controlled substance; but

(ii) Does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(3) **Weapon** has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

(Authority: 20 U.S.C. 1415(k)(1), (10))

What Research Says

Functional behavioral assessment was initially developed for use with students with significant intellectual and developmental disabilities who engaged in extreme forms of self-injury and aggression. The value of defining those variables that maintain a problem behavior prior to constructing an intervention has been established.

- Carr & Durand, 1985.
- Reid & Nelson, 2002.

Research is limited as it relates to the effectiveness of functional behavioral assessment with children and youth in school settings (Nelson, Mathur, & Rutherford, 1999). However, in recent years, research on functional behavioral assessment has shown promise with students with emotional and behavioral disorders and learning disabilities. When combined with children's activity preferences, functional behavioral assessment also is showing promise with young children.

- Blair, Umbreit, & Bos, 1999.

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- Broussard & Northrup, 1995.
- Chandler, Dahlquist, Repp, & Feltz, 1999.
- Dunlap, Kern-Dunlap, Clarke, & Robbins, 1991.
- Dunlap, Kern, DePerczel, Clark, Wilson, & Childs, 1993.
- Lewis & Sugai, 1996.
- Umbreit, 1995.
- Vollmer & Northrup, 1996.

Materials that Address Functional Behavioral Assessment

Addressing Student Problem Behavior—Part II: Conducting a Functional Behavioral Assessment

Author: Gable, R., Quinn, M., Rutherford, R., Howell, K., & Hoffman, C.

Publication Date: May 1998

Published By: Washington, DC: Center for Effective Collaboration and Practice (CECP), American Institutes for Research

Available From: May be downloaded from the CECP web site at **www.air-dc.org/cecp**. Or contact the Center for Effective Collaboration and Practice (CECP), American Institutes for Research, 1000 Thomas Jefferson Street, NW, Suite 400, Washington, DC 20007, 888-457-1551.

Format: Print document, 20 pages.

Brief Description: The document addresses the rationale for conducting a functional behavior assessment and provides a process for completing one. The document concludes with a discussion of how information gleaned from a functional behavioral assessment should be used to create a behavior intervention plan.

Applying Positive Behavioral Support and Functional Behavioral Assessment in Schools

Author: Sugai, G., Horner, R., Dunlap, G., Hieneman, M., Lewis, T., Nelson, C.M., Scott, T., Liaupsin, C., Sailor, W., Turnbull, A., Turnbull, H.R., Wickham, D., Ruef, M., and Wilcox, B.

Publication Date: August 1999

Published By: Eugene, OR: Center on Positive Behavioral Interventions and Support, University of Oregon

Available From: Center on Positive Behavioral Interventions and Support, Behavioral Research and Training, 5262 University of Oregon, Eugene, OR 97403, 541-346-2505, **www.pbis.org**.

Format: 24-page report.

Brief Description: This report summarizes the research base underlying the use of positive behavioral supports and functional behavioral assessments. The document first reviews the features of positive behavioral support (PBS). Second, the document summarizes functional behavioral assessment in the following ways:

- Provides an overview, definition, and outcomes associated with the approach.
- Explains defining features of functional behavioral assessment.
- Describes a process for completing functional behavioral assessment.

Functional Behavioral Assessment ☒

Author: U.S. Department of Education, Office of Special Education Programs (OSEP)

Publication Date: none

Published By: Washington, DC: Author

Available From: Download from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**. You also may link to it from the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Or, find it on the ***Discover IDEA CD 2002***.

Format: Two-page fact sheet.

Brief Description: This fact sheet provides basic information about the concept of functional behavioral assessment (FBA). It describes FBA as a key component of creating effective behavioral support plans. The fact sheet presents a definition for functional behavioral assessment and lists key principles of practice. The fact sheet may be used as a starting point for more in-depth discussion.

Other Materials

Following are selected resources related to the topic of functional behavioral assessment. In some cases, the references relate to a section of a resource (e.g., a chapter, selected pages) that was more fully described in the Core Module of this package. [*Note*: Information on obtaining many of these materials is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org.**]

A Functional Analysis of Behavior (FAB) Model for School Settings

Citation: Cipani, E. (1999). ***A functional analysis of behavior (FAB) model for school settings.*** Visalia, CA: Cipani & Associates.

Available From: Information on obtaining this product is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Brief Description: The book describes the following topics: functional analysis and contingency management, utility of functional analysis, a behavioral diagnostic system, and methods to conduct a functional analysis.

Functional Behavioral Assessment and Positive Interventions: What Parents Need to Know

Citation: Jordan, D. (no date). ***Functional behavioral assessment and positive interventions: What parents need to know.*** Minneapolis, MN: Families and Advocates Partnership for Education (FAPE), PACER Center, Inc.

Available From: Download from the FAPE web site at **www.fape.org**.

Brief Description: This eight-page document provides a brief overview of the

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functional behavioral assessments and positive interventions. Practical suggestions are given for developing a behavior intervention plan and linking the topics to school discipline policies.

Positive Behavioral Interventions: What Parents Need to Know ☒

Citation: Jordan, D. (1999). ***Positive behavioral interventions: What parents need to know.*** Minneapolis, MN: PACER Center.

Available From: Contact the PACER Center at 4826 Chicago Avenue South, Minneapolis, MN 55417, 888-248-0822, **www.pacer.org** or **www.fape.org**. Also available on the CD-ROM: Families and Advocates Partnership for Education (FAPE) (1999). ***Individuals with Disabilities Education Act (IDEA): A Workshop for Families, Advocates, and Self-Advocates.*** Minneapolis, MN: Technical Assistance Alliance for Parent Centers, PACER Center.

Brief Description: This print guide and collection of transparencies (on CD ROM) introduces families to the concepts of positive intervention and functional assessment.

Addressing Student Problem Behavior: An IEP Team's Introduction to Functional Behavioral Assessment and Behavior Intervention Plans

Citation: Quinn, M., Gable, R., Rutherford, R., Nelson, C., & Howell, K. (1998). ***Addressing student problem behavior: An IEP team's introduction to functional behavioral assessment and behavior intervention plans.*** Washington, DC: Center for Effective Collaboration and Practice (CECP), American Institutes for Research.

Available From: May be downloaded from the CECP web site at **www.air-dc.org/cecp/**. Or contact the Center for Effective Collaboration and Practice, American Institutes for Research, 1000 Thomas Jefferson Street, NW, Suite 400, Washington, DC 20007, 888-457-1551.

Brief Description: The 22-page print document provides an overview of functional behavior assessment and behavior intervention plans. While not a "how-to" guide, the document offers suggestions and suggests where to go for more extensive information.

RESOURCE GUIDE (continued)

Applying Positive Behavioral Support in Schools ☒

Citation: U.S. Department of Education, Office of Special Education Programs (2000). Applying positive behavioral support in schools (III-7 - III-31). In the ***Twenty-second annual report to Congress on the implementation of the Individuals with Disabilities Act***. Washington, DC: Author.

Available From: Download from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/** or request a print copy from Ed Pubs at 877-433-7827, 800-437-0833 [TTY toll free].

Brief Description: This chapter provides an overview of positive behavioral support and functional behavioral assessment prepared by the OSEP Center on Positive Behavioral Interventions and Supports.

References

The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

Blair, K., Umbreit, J., & Bos, C. (1999). Using functional assessment and children's preferences to improve the behavior of young children with behavioral disorders. ***Behavioral Disorders, 24***(2), 151-166.

Broussard, C., & Northrup, J. (1995). An approach to functional assessment and analysis of disruptive behavior in regular classrooms. ***School Psychology Quarterly, 10***, 151-164.

Carr, E., & Durand, V. (1985). Reducing behavior problems through functional communication training. ***Journal of Applied Behavior Analysis, 18***, 111-126.

Chandler, L.K., Dahlquist, C.M., Repp, A.C., & Feltz, C. (1999). The effects of team-based functional assessment on the behavior of students in classroom settings. ***Exceptional Children, 66***(1), 101-122.

Cipani, E. (1999). ***A functional analysis of behavior (FAB) model for school settings***. Visalia, CA: Cipani & Associates.

Dunlap, G., Kern-Dunlap, L., Clarke, S., & Robbins, F. (1991). Functional assessment, curricular revision, and severe behavior problems. ***Journal of Applied Behavior Analysis, 24***, 387-397.

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RESOURCE GUIDE (continued)

Dunlap, G., Kern, L., DePerczel, M., Clarke, S., Wilson, D., & Childs, K., (1993). Functional analysis of classroom variables for students with emotional and behavioral disorders. ***Behavioral Disorders, 18***, 275-291.

Gable, R., Quinn, M., Rutherford, R., Howell, K., & Hoffman, C. (1998). ***Addressing student problem behavior—Part II: Conducting a functional behavioral assessment***. Washington, DC: Center for Effective Collaboration and Practice (CECP), American Institutes for Research.

Jordan, D. (1999). ***Positive behavioral interventions: What parents need to know***. Minneapolis, MN: PACER Center. ☒

Jordan, D. (no date). ***Functional behavioral assessment and positive interventions: What parents need to know***. Minneapolis, MN: Families and Advocates Partnership for Education (FAPE).

Lewis, T., & Sugai, G. (1996). Functional assessment of problem behavior: A pilot investigation of the comparative and interactive effects of teachers and peer social attention on students in general education settings. ***School Psychology Quarterly, 11***, 1-19.

Nelson, J., Mathur, S., & Rutherford, R. (1999). Has public policy exceeded our knowledge base? A review of the functional behavioral assessment literature. ***Behavioral Disorders, 24***(2), 169-179.

Quinn, M., Gable, R., Rutherford, R., Nelson, C., & Howell, K. (1998). ***Addressing student problem behavior: An IEP team's introduction to functional behavioral assessment and behavior intervention plans***. Washington, DC: Center for Effective Collaboration and Practice (CECP), American Institutes for Research.

Reid, R., & Nelson, J.R. (2000). The utility, acceptability, and practicality of functional behavioral assessment for students with high-incidence problem behaviors. ***Remedial and Special Education, 23***(1), 15-23.

Sugai, G., Horner, R., Dunlap, G., Hieneman, M., Lewis, T., Nelson, C.M., Scott, T., Liaupsin, C., Sailor, W., Turnbull, A., Turnbull, H.R., Wickham, D., Ruef, M., & Wilcox, B. (August 1999). ***Applying positive behavioral support and functional behavioral assessment in schools***. Eugene, OR: Center on Positive Behavioral Interventions and Support, University of Oregon.

Umbreit, J. (1995). Functional assessment and intervention in a regular classroom setting for the disruptive behavior of a student with Attention Deficit Hyperactivity Disorder. ***Behavioral Disorders, 20***, 267-278.

U.S. Department of Education, Office of Special Education Programs (2000). Applying positive behavioral support in schools (III-7 - III-31). In the ***Twenty-second Annual Report to Congress on the Implementation of the Individuals with Disabilities Act***. Washington, DC: Author. ☒

RESOURCE GUIDE (continued)

U.S. Department of Education, Office of Special Education Programs (OSEP) (no date). ***Functional behavioral assessment***. Washington, DC: Author. ☒

Vollmer, T., & Northrup, J. (1996). Some implications of functional analysis for school psychology. ***School Psychology Quarterly, 11***, 76-92.

Resources

The following resources include organizations and/or web sites that feature information on the topic. In most cases, OSEP has not reviewed the information available from these resources for consistency with IDEA and no endorsement by OSEP is implied. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

Center for Effective Collaboration and Practice (CECP)

www.air-dc.org/cecp/

Housed At: 1000 Thomas Jefferson St., NW, Washington, DC 20007, 888-457-1551 (toll-free), 202-944-5000.

Brief Description: The Center for Effective Collaboration and Practice (CECP), funded by OSEP, facilitates collaboration at the federal, state, and local levels for the production, exchange, and use of effective practices for people with emotional disturbance. The web site contains documents and links to sites concerned with challenging behavior.

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RESOURCE GUIDE (continued)

OSEP Center on Positive Behavioral Interventions and Supports (PBIS)

www.pbis.org

Housed At: Behavioral Research and Training, 5262 University of Oregon, Eugene, OR 97403, 541-346-2505.

Brief Description: The OSEP-funded site contains numerous documents and links related to addressing challenging behavior.

U.S. Department of Education, Office of Special Education Programs

www.ed.gov/offices/OSERS/OSEP/

Housed At: Office of Special Education and Rehabilitative Services, U.S. Department of Education, 330 C Street, SW, Washington, DC 20202.

Brief Description: The OSEP web site provides documents related to IDEA and challenging behavior.

Appendix* D-11

RESOURCE GUIDE

Interim Alternative Educational Setting*

The term *interim alternative educational settings* (IAES) first appeared in the 1994 Jeffords amendments to the IDEA. The concept of interim alternative placement evolved as a way to balance the rights of students with disabilities to an appropriate education, as determined by his or her IEP team, with the right of all students to safe schools. IDEA provisions allow school personnel to treat certain categories of students with disabilities the same as students without disabilities with respect to their removal from a classroom without parent permission (with restrictions).

Interim alternative educational settings are intended to serve short-term, transitional purposes. With few exceptions, interim alternative educational settings serve as settings in which students with disabilities are placed pending either a return to the student's current educational placement or a change in educational placement.

What the Law Says

IDEA provisions address due process rights in the case of a student who is removed from his or her present setting for disciplinary purposes and placed in an IAES. [*Note*: Only portions of the regulations are provided here for your convenience.]

34 C.F.R. §300.121—Free appropriate public education (FAPE).

> (a) **General.** Each State must have on file with the Secretary information that shows that, subject to §300.122, the State has in effect a policy that ensures that all children with disabilities aged 3 through 21 residing in the State have the right to FAPE, including children with disabilities who have been suspended or expelled from school.
>
> ...

[**Please note that only the materials in this appendix which have been marked with an ⊞ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.*]

(d) FAPE for children suspended or expelled from school.

(1) A public agency need not provide services during periods of removal under §300.520(a)(1) to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.

(2) In the case of a child with a disability who has been removed from his or her current placement for more than 10 school days in that school year, the public agency, for the remainder of the removals, must-

(i) Provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the removal is—

(A) Under the school personnel's authority to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519(b) (§300.520((a)(1)); or

(B) For behavior that is not a manifestation of the child's disability, consistent with §300.524; and

(ii) Provide services consistent with §300.522, regarding determination of the appropriate interim alternative educational setting, if the removal is—

(A) For drug or weapons offenses under §300.520(a)(2); or

(B) Based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if he or she remains in the current placement, consistent with §300.521.

(3)

(i) School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed under the authority of school personnel to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519 (§300.520(a)(1)).

(ii) The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability, consistent with §300.524.

...

(Authority: 20 U.S.C. 1412(a)(1))

34 C.F.R. §300.519—Change in placement for disciplinary removals.

For purposes of removals of a child with a disability from the child's current educational placement under §§300.520-300.529, a change of placement occurs if—

(a) The removal is for more than 10 consecutive school days; or

(b) The child is subjected to a series of removals that constitute a pattern because they cumulate to

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more than 10 school days in a school year, and because of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.

(Authority: 20 U.S.C. 1415(k))

§300.520—Authority of school personnel.

(a) School personnel may order—

(1)

(i) To the extent removal would be applied to children without disabilities, the removal of a child with a disability from the child's current placement for not more than 10 consecutive school days for any violation of school rules, and additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under §300.519(b));

(ii) After a child with a disability has been removed from his or her current placement for more than 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under §300.121(d); and

(2) A change in placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days, if -

(i) The child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or

(ii) The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.

(b)

(1) Either before or not later than 10 business days after either first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement under §300.519, including the action described in paragraph (a)(2) of this section

(i) If the LEA did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the child before the behavior that resulted in the removal described in paragraph (a) of this section, the agency shall convene an IEP meeting to develop an assessment plan.

(ii) If the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation, and, modify the plan and its implementation as necessary, to address the behavior.

(2) As soon as practicable after developing the plan described in paragraph (b)(1)(i) of this section, and completing the assessments required by the plan, the LEA shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

(c)

(1) If subsequently, a child with a disability who has a behavioral intervention plan and who has

been removed from the child's current educational placement for more than 10 school days in a school year is subjected to a removal that does not constitute a change of placement under §300.519, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(2) If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

(d) For purposes of this section, the following definitions apply:

(1) **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) **Illegal drug-**

(i) Means a controlled substance; but

(ii) Does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(3) **Weapon** has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

(Authority: 20 U.S.C. 1415(k)(1), (10))

§300.521—Authority of hearing officer.

A hearing officer under section 615 of the Act may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer, in an expedited due process hearing -

(a) Determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of the child is substantially likely to result in injury to the child or to others;

(b) Considers the appropriateness of the child's current placement;

(c) Considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

(d) Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the child's special education teacher, meets the requirements of §300.522(b).

(e) As used in this section, the term **substantial evidence** means beyond a preponderance of the evidence.

(Authority: 20 U.S.C. 1415(k)(2), (10))

§300.522—Determination of setting.

(a) **General**. The interim alternative educational setting referred to in §300.520(a)(2) must be determined by the IEP team.

(b) **Additional requirements**. Any interim alternative educational setting in which a child is placed under §§300.520(a)(2) or 300.521 must-

(1) Be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

(2) Include services and modifications to address the behavior described in §§300.520(a)(2) or 300.521, that are designed to prevent the behavior from recurring.

(Authority: 20 U.S.C. 1415(k)(3))

§300.523—Manifestation determination review.

(a) **General**. If an action is contemplated regarding behavior described in §§300.520(a)(2) or 300.521, or involving a removal that constitutes a change of placement under §300.519 for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the LEA that applies to all children-

(1) Not later than the date on which the decision to take that action is made, the parents must be notified of that decision and provided the procedural safeguards notice described in §300.504; and

(2) Immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review must be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.

(b) **Individuals to carry out review**. A review described in paragraph (a) of this section must be conducted by the IEP team and other qualified personnel in a meeting.

(c) **Conduct of review**. In carrying out a review described in paragraph (a) of this section, the IEP team and other qualified personnel may determine that the behavior of the child was not a manifestation of the child's disability only if the IEP team and other qualified personnel -

(1) First consider, in terms of the behavior subject to disciplinary action, all relevant information, including -

(i) Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the child;

(ii) Observations of the child; and

(iii) The child's IEP and placement; and

(2) Then determine that -

(i) In relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;

(ii) The child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and

(iii) The child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

(d) **Decision**. If the IEP team and other qualified personnel determine that any of the standards in

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paragraph (c)(2) of this section were not met, the behavior must be considered a manifestation of the child's disability.

(e) **Meeting**. The review described in paragraph (a) of this section may be conducted at the same IEP meeting that is convened under §300.520(b).

(f) **Deficiencies in IEP or placement**. If, in the review in paragraphs (b) and (c) of this section, a public agency identifies deficiencies in the child's IEP or placement or in their implementation, it must take immediate steps to remedy those deficiencies.

(Authority: 20 U.S.C. 1415(k)(4))

§300.524—Determination that behavior was not manifestation of disability.

(a) **General**. If the result of the review described in §300.523 is a determination, consistent with §300.523(d), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities, except as provided in §300.121(d).

(b) **Additional requirement**. If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

(c) **Child's status during due process proceedings**. Except as provided in §300.526, §300.514 applies if a parent requests a hearing to challenge a determination, made through the review described in §300.523, that the behavior of the child was not a manifestation of the child's disability.

(Authority: 20 U.S.C. 1415(k)(5))

§300.525—Parent appeal.

(a) General.

(1) If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement under §§300.520-300.528, the parent may request a hearing.

(2) The State or local educational agency shall arrange for an expedited hearing in any case described in paragraph (a)(1) of this section if a hearing is requested by a parent.

(b) Review of decision.

(1) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of the child's disability consistent with the requirements of §300.523(d).

(2) In reviewing a decision under §300.520(a)(2) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards in §300.521.

(Authority: 20 U.S.C. 1415(k)(6))

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§300.526—Placement during appeals.

(a) **General.** If a parent requests a hearing or an appeal regarding a disciplinary action described in §300.520(a)(2) or 300.521 to challenge the interim alternative educational setting or the manifestation determination, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in §300.520(a)(2) or 300.521, whichever occurs first, unless the parent and the State agency or local educational agency agree otherwise.

(b) **Current placement.** If a child is placed in an interim alternative educational setting pursuant to §300.520(a)(2) or 300.521 and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the child must remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in paragraph (c) of this section.

(c) **Expedited hearing.**

(1) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the LEA may request an expedited due process hearing.

(2) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards in §300.521.

(3) A placement ordered pursuant to paragraph (c)(2) of this section may not be longer than 45 days.

(4) The procedure in paragraph (c) of this section may be repeated, as necessary.

(Authority: 20 U.S.C. 1415(k)(7))

§300.527—Protections for children not yet eligible for special education and related services.

(a) **General.** A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in §§300.520 or 300.521, may assert any of the protections provided for in this part if the LEA had knowledge (as determined in accordance with paragraph (b) of this section) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

(b) **Basis of knowledge.** An LEA must be deemed to have knowledge that a child is a child with a disability if -

(1) The parent of the child has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to personnel of the appropriate educational agency that the child is in need of special education and related services;

(2) The behavior or performance of the child demonstrates the need for these services, in accordance with §300.7;

(3) The parent of the child has requested an evaluation of the child pursuant to §§300.530-300.536; or

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(4) The teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of the agency or to other personnel in accordance with the agency's established child find or special education referral system.

(c) **Exception.** A public agency would not be deemed to have knowledge under paragraph (b) of this section if, as a result of receiving the information specified in that paragraph, the agency-

(1) Either-

(i) Conducted an evaluation under §§300.530-300.536, and determined that the child was not a child with a disability under this part; or

(ii) Determined that an evaluation was not necessary; and

(2) Provided notice to the child's parents of its determination under paragraph (c)(1) of this section, consistent with §300.503.

(d) **Conditions that apply if no basis of knowledge.**

(1) **General.** If an LEA does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with paragraph (d)(2) of this section.

(2) **Limitations.**

(i) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under §300.520 or 300.521, the evaluation must be conducted in an expedited manner.

(ii) Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

(iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, including the requirements of §§300.520-300.529 and section 612(a)(1)(A) of the Act.

(Authority: 20 U.S.C. 1415(k)(8))

§300.528—Expedited due process hearings.

(a) Expedited due process hearings under §§300.521-300.526 must-

(1) Meet the requirements of §300.509, except that a State may provide that the time periods identified in §§300.509(a)(3) and §300.509(b) for purposes of expedited due process hearings under §§300.521-300.526 are not less than two business days; and

(2) Be conducted by a due process hearing officer who satisfies the requirements of §300.508.

(b)

(1) Each State shall establish a timeline for expedited due process hearings that results in a written

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decision being mailed to the parties within 45 days of the public agency's receipt of the request for the hearing, without exceptions or extensions.

(2) The timeline established under paragraph (b)(1) of this section must be the same for hearings requested by parents or public agencies.

(c) A State may establish different procedural rules for expedited hearings under §§300.521-300.526 than it has established for due process hearings under §300.507.

(d) The decisions on expedited due process hearings are appealable consistent with §300.510.

(Authority: 20 U.S.C. 1415(k)(2), (6), (7))

§300.529—Referral to and action by law enforcement and judicial authorities.

(a) Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(b)

(1) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

(2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

(Authority: 20 U.S.C. 1415(k)(9))

What Research Says

Research related to the effectiveness of interim alternative educational settings is not available (Bear, 1999). However, research supports the need for interim alternative education settings. Research suggests that students with disabilities prior to 1997 were either suspended or expelled at a rate comparable to or exceeding that of their nondisabled peers (U.S. Department of Education, 1999). Unfortunately, research shows a disproportionate relationship between exclusionary discipline practices (e.g., office referrals, suspensions, and expulsions) and students who are African American (Skiba, Peterson, & Williams, 1997; Townsend, 2000). When students with disabilities are suspended or expelled and their education is disrupted, they are likely to fail courses and drop out (Tobin & Sugai, 1999; Wagner, 1991).

Experts working in the area suggest that before a child is removed from school for problem behavior, positive behavioral interventions and support should be applied. A proactive perspective is maintained along a continuum, using primary (what is done for all children), secondary (what is done for some children), and tertiary (what is done for a few children) prevention. For children placed in interim alternative educational settings, multiple interventions that are linked to assessment should be provided, and there should be a clear focus on academic learning.

- Bear, 1999.
- Bear, Quinn, & Burkholder, 2001.
- Dwyer, Osher, & Warger, 1998.
- Leone & Drakeford, 1999.
- Project FORUM, 1998.

Materials that Address Interim Alternative Educational Settings

Interim Alternative Educational Settings for Children with Disabilities ☒

Author: Bear, G., Quinn, M., & Burkholder, S.

Publication Date: 2001

Published By: National Association of School Psychologists (NASP)

Available From: The booklet is available on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. It also may be ordered from NASP, 4340 East West Highway, Suite 402, Bethesda, MD 20814, 301-657-0270.

Format: Soft cover booklet.

Brief Description: The 54-page booklet provides an overview of interim alternative educational settings. Chapters include:

- Background and functions.
- Legal provisions.
- Best practices for interim alternative educational settings.
- Future challenges.
- Recommended resources.

The booklet also features case studies.

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Non-Cessation of Educational Services

Author: Project FORUM, National Association of State Directors of Special Education (NASDSE)

Publication Date: June 1999

Published By: NASDSE

Available From: NASDSE, 1800 Diagonal Road, Suite 320, Alexandria, VA 22314, 703-519-3800.

Format: Brief report.

Brief Description: This document provides a summary of information from three states—California, Nebraska, and Hawaii—regarding non-cessation of educational services following suspension or expulsion of a student. States were surveyed regarding the following questions:

- Does your state have legislation requiring that any student who is suspended or expelled continue to receive educational services?
- What data, if any, does your state collect related to non-cessation of educational services?

Prevention Research and the IDEA Discipline Provisions: A Guide for School Administrators ☒

Author: U.S. Department of Education, Office of Special Education Programs (OSEP)

Publication Date: 2001

Published By: Washington, DC: Author

Available From: U.S. Department of Education, OSEP, 330 C Street, SW, Washington, DC 20202, 202-205-5507. Download from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**. The document also may be downloaded from the NICHCY web site at **www.nichcy.org**.

Format: Six-page document.

Brief Description: This document, intended for administrators, uses bulleted lists to summarize strategies for creating safe, effective learning environments for all children. The document includes a letter from OSEP, a summary of disciplinary

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procedures found in IDEA, and selected resources. This document is intended as a summary and additional resources most likely will be needed to clarify most points.

Other Materials

Following are selected resources related to the topic of interim alternative placements. Because IDEA balances the need for safe schools for all children and the rights of children with disabilities to a free appropriate public education and procedural safeguards, many of the following resources address how schools can develop positive interventions to ensure safe schools for all students. In some cases, the references relate to a section of a resource (e.g., a chapter, selected pages) that was more fully described in the Core Module of this package. [*Note*: Information on obtaining many of these materials is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.]

Early Warning, Timely Response: A Guide to Safe Schools ☒

Citation: Dwyer, K., Osher, D., & Warger, C. (1998). ***Early warning, timely response: A guide to safe schools***. Washington, DC: U.S. Department of Education.

Brief Description: This booklet, while it does not address children with disabilities, provides suggestions for preventing, offering supports, and intervening with problem and potentially violent behaviors.

Available From: Order from U.S. Government Printing Office at 877-4-EDPUBS. It also may be downloaded from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/** or the CECP web site at **www.air-dc.org/cecp/**.

Safeguarding Our Children: An Action Guide

Citation: Dwyer, K., & Osher, D. (2000). ***Safeguarding our children: An action guide***. Washington, DC: U.S. Departments of Education and Justice, American Institutes of Research.

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Available From: Order from the U.S. Government Printing Office at 877-4-EDPUBS. It also may be downloaded from the CECP web site at **www.air-dc.org/cecp/**.

Brief Description: This document provides suggestions for implementing the booklet, ***Early warning, timely response: A guide to safe schools*** (see above).

School-wide Behavior Programs ☒

Citation: Families and Advocates Partnership for Education (FAPE) (no date). ***School-wide behavior programs*** (FAPE-22). Minneapolis, MN: Author.

Available From: Download from the FAPE web site at **www.fape.org**.

Brief Description: This document provides a brief overview of the school-wide behavior programs and a listing of resources for additional information.

The Disproportionate Discipline of African American Learners: Reducing School Suspensions and Expulsions

Citation: Townsend, B. (2000). The disproportionate discipline of African American learners: Reducing school suspensions and expulsions. ***Exceptional Children, 66***(3), 381-391.

Available From: Information on obtaining this article is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Brief Description: This scholarly article summarizes the research examining exclusionary discipline practices and their impact on African American students. Culturally responsive instructional and management strategies are discussed as means to mitigate school suspensions and expulsions.

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RESOURCE GUIDE (continued)

Initial Disciplinary Guidance Related to Removal of Children with Disabilities from their Current Educational Placement for Ten School Days or Less

Citation: U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS) (1997). ***Initial disciplinary guidance related to removal of children with disabilities from their current educational placement for ten school days or less*** (OSEP Memorandum 97-7). Washington, DC: Author.

Available From: Download from the OSERS web site at **www.ed.gov/offices/OSERS/OSEP/**.

Brief Description: This memorandum to the Chief State School Officers provides initial guidance (prior to the release of the 1999 IDEA Final Regulations) in question and answer format on the requirements of IDEA as they relate to the removal of children with disabilities from their current educational placements.

Schoolwide Approaches to Behavior ☒

Citation: U.S. Department of Education, Office of Special Education Programs (OSEP) (no date). ***Schoolwide approaches to behavior.*** Washington, DC: Author.

Available From: Download from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**. Or link to it from the ASPIIRE/ILIAD web site at **www.ideapractices.org/docs/OSEPdocs/**. It also is available on the ***Discover IDEA CD 2002***.

Brief Description: This two-page fact sheet describes key practice principles of schoolwide approaches.

Social Skills Instruction ☒

Citation: U.S. Department of Education, Office of Special Education Programs (OSEP) (no date). ***Social skills instruction***. Washington, DC: Author.

Available From: Download from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**. Or link to it from the ASPIIRE/ILIAD web site at **www.ideapractices.org**. It also is available on the ***Discover IDEA CD 2002***.

Brief Description: This two-page fact sheet describes social skills instruction as a positive behavioral intervention.

RESOURCE GUIDE (continued)

References

The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

Bear, G. (1999). ***Interim alternative educational settings: Related research and program considerations.*** Alexandria, VA: National Association of State Directors of Special Education.

Bear, G., Quinn, M., & Burkholder, S. (2001). ***Interim alternative educational settings for children with disabilities.*** Bethesda, MD: National Association of School Psychologists. ☒

Dwyer, K., Osher, D., & Warger, C. (1998). ***Early warning, timely response: A guide to safe schools.*** Washington, DC: U.S. Department of Education. ☒

Dwyer, K., & Osher, D. (2000). ***Safeguarding our children: An action guide.*** Washington, DC: U.S. Departments of Education and Justice, American Institutes of Research.

Families and Advocates Partnership for Education (FAPE) (no date). ***School-wide behavior programs*** (FAPE-22). Minneapolis, MN: Author. ☒

Leone, P., & Drakeford, W. (1999). Alternative education: From a "last chance" to a proactive model. ***The Clearing House, 3***(2).

Project FORUM (1998). ***Interim alternative educational settings for students with disabilities involved in disciplinary actions.*** Alexandria, VA: National Association of State Directors of Special Education.

Skiba, R., Peterson, R., & Williams, T. (1997). Office referrals and suspensions: Disciplinary intervention in middle schools. ***Education and Treatment of Children, 20,*** 295-315.

Tobin, T., & Sugai, G. (1999). Discipline procedures, placements, and outcomes for students with serious emotional disturbance. ***Behavioral Disorders, 24***(2), 109-121.

Townsend, B. (2000). The disproportionate discipline of African American learners: Reducing school suspensions and expulsions. ***Exceptional Children, 66***(3), 381-391.

U.S. Department of Education, Office of Special Education Programs (1999). School discipline and students with disabilities (III-41). In the ***Twenty-first Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act.*** Washington, DC: Author. ☒

U.S. Department of Education, Office of Special Education Programs (OSEP) (no date). ***Schoolwide Approaches to Behavior.*** Washington, DC: Author. ☒

U.S. Department of Education, Office of Special Education Programs (OSEP) (no date). ***Social skills instruction.*** Washington, DC: Author. ☒

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RESOURCE GUIDE (continued)

Wagner, M. (1991). ***Youth with disabilities: How are they doing?*** The National Longitudinal Transition Study of Special Education Students. Menlo Park: CA: SRI International.

Resources

The following resources include organizations and/or web sites that feature information on the topic. In most cases, OSEP has not reviewed the information available from these resources for consistency with IDEA and no endorsement by OSEP is implied. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

Center for Effective Collaboration and Practice (CECP)

www.air-dc.org/cecp/

Housed At: American Institutes for Research, 1000 Thomas Jefferson St., NW, Washington, DC 20007, 888-457-1551 (toll free), 202-944-5000.

Brief Description: The Center for Effective Collaboration and Practice (CECP), funded by OSEP, facilitates collaboration at the federal, state, and local levels for the production, exchange, and use of effective practices for people with emotional disturbance. The web site contains documents and links to sites concerned with challenging behavior.

OSEP Center on Positive Behavioral Interventions and Supports (PBIS)

www.pbis.org

Housed At: Behavioral Research and Training, 5262 University of Oregon, Eugene, OR 97403, 541-346-2505.

Brief Description: The OSEP-funded site contains numerous documents and links related to addressing challenging behavior.

Pathway Guide*

*[*Please note that only the materials in this Pathway Guide which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education. Also, please note that because several of the documents referenced herein pre-date the passage of the No Child Left Behind Act of 2001 (NCLB) (passed January 8, 2002) and its implementing regulations, they do not address the requirements of NCLB. For information on NCLB, see* ***www.ed.gov****.]*

Least Restrictive Educational Environments

Inside this Pathway Guide*

The purpose of this Pathway Guide is to connect users to relevant materials that discuss educational environment provisions in IDEA that are related to supporting achievement for children with disabilities. To this end, the Pathway Guide is designed to expand users' knowledge about the educational environment provisions in IDEA and is organized into the following sections:

- **Section 1: Introduction**: Use this section to orient yourself to the topic of educational environments.
- **Section 2: Connections to the Law**: Use this section to locate the 1999 IDEA Regulations—presented verbatim—related to serving children with disabilities in least restrictive educational environments.
- **Section 3: Connections to Relevant Materials**: Use this section to locate information on how IDEA addresses educational environments for children with disabilities. Also included are suggestions—called Information Builders—for sharing the materials with colleagues and

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others in the context of informal interchanges, professional development sessions, and/or meetings.

- **Section 4: Connections to Web-Based Resources**: Use this section to find additional information on educational environments.
- **Section 5: Connections to References**: Use this section to find citations for all resources used in this Pathway Guide.
- **Appendix**: Use this section to find resource tools, blackline masters for making transparencies and handouts, and Resource guides.

No matter your role and responsibilities—service provider, administrator, parent, policymaker, and/or an individual who desires a more extensive understanding of educational environments—you can use the following information in this Pathway Guide to enhance your knowledge and/or the knowledge of others about the provisions in IDEA related to educational environments.

Section 1: Introduction*

*[*Please note that only the materials in this section which have been marked with an ▣ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

All children learn best in environments that respect and honor their unique learning abilities and needs. However, prior to the enactment of P.L. 94-142 (Education of All Handicapped Children Act, which in later amendments became IDEA), it is estimated that more than one million children with disabilities were simply excluded from school, and that few infants, toddlers, or preschoolers received services (ERIC Clearinghouse on Disabilities and Gifted Education, 2001). Typically, children with disabilities were placed in programs according to their disability label and not according to their individual needs.

Making available a free appropriate public education to children with disabilities in the least restrictive environment is an original tenet of the law. The child's placement is as close as possible to the child's home. Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled. In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs. A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum. 34 C.F.R. §300.552.

To this end, IDEA emphasizes that special education is a service and not a place, and as such, supports and services should be delivered to the child in the least restrictive environment. Related services are designed to assist the student in benefiting from special education. In recent years, there has been a significant shift in where related services are provided. Some schools are providing some of the related services to students in natural activities and environments (NICHCY, 2001). For example, it is not unusual to find speech-language services integrated into instructional activities in the regular education classrooms, or occupational or physical therapy provided during regular physical education classes.

Other provisions in IDEA indicate a strong preference for educating students with disabilities in the regular classrooms with appropriate supplementary aids and supports. [*Note*: For infants and toddlers with disabilities, there is an emphasis on providing early intervention services, and supports in natural environments, as appropriate.] Although IDEA provides that children with disabilities are to be educated with their nondisabled peers, to the maximum extent appropriate, the nature or the severity of the disability of a child may be such that education in regular classes with the use of supplementary aids and services cannot be achieved. In such cases, IDEA provides that schools make available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services, including:

- Instruction in regular classes.
- Special classes.
- Special schools.
- Home instruction.
- Instruction in hospitals and institutions.

The requirement for a continuum of alternative placements reinforces the importance of an individualized determination of the needs of a student by the individualized education program (IEP) team in determining a least restrictive educational placement for each student.

Section 2: Connections to the Law*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

An understanding of educational environments begins with thorough knowledge of the IDEA provisions. This section connects you to the IDEA provisions on least restrictive environment as stated in the 1999 Regulations. The provisions selected for this section relate to how achievement may be supported by ensuring that each child with a disability is served in the least restrictive environment.

The section begins with a listing of the regulatory provisions. The provisions are organized by questions—such as "What does IDEA say about...?" —followed by the actual IDEA section number and text. [*Note*: The organizing questions are not regulatory language.]

Only portions of the regulations are provided here for your convenience. The entire statute and regulations are available electronically. You are encouraged to use the ***Discover IDEA CD 2002*** or the ASPIIRE/ILIAD web site at **www.ideapractices.org** to navigate your search of relevant sections on IEPs. You also are encouraged to take advantage of the enhancement capability of these two resources to guide your search. For example, for selected provisions, these resources allow you to click on additional information about them (e.g., analysis of comments, discussions, and changes). To do this, click on a section of the regulations that pertain, in this case, to least restrictive environment (a magnifying glass icon will guide you). Each regulation is presented, followed by a discussion entitled, Analysis of Comments, Discussions, and Changes. This discussion provides a summary of relevant information that helped to inform the writing of the particular regulation.

Least Restrictive Environment: IDEA Regulations

The regulatory provisions related to educational environments required by IDEA follow.

What are the basic LRE requirements?

34 C.F.R. §300.550—General LRE requirements.

> (a) Except as provided in §300.311(b) and (c), a State shall demonstrate to the satisfaction of the Secretary that the State has in effect policies and procedures to ensure that it meets the requirements of §§300.550-300.556.
>
> (b) Each public agency shall ensure—
>
> (1) That to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
>
> (2) That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
>
> (Authority: 20 U.S.C. 1412(a)(5))

34 C.F.R. §300.554—Children in public or private institutions.

> Except as provided in §300.600(d), an SEA

must ensure that §300.550 is effectively implemented, including, if necessary, making arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures).

(Authority: 20 U.S.C. 1412(a)(5))

What is special education?

34 C.F.R. §300.26—Special education.

(a) General.

(1) As used in this part, the term special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including-

(i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

(ii) Instruction in physical education.

(2) The term includes each of the following, if it meets the requirements of paragraph (a)(1) of this section:

(i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;

(ii) Travel training; and

(iii) Vocational education.

(b) Individual terms defined. The terms in this definition are defined as follows:

(1) At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.

(2) Physical education—

(i) Means the development of—

(A) Physical and motor fitness;

(B) Fundamental motor skills and patterns; and

(C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and

(ii) Includes special physical education, adapted physical education, movement education, and motor development.

(3) Specially-designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—

(i) To address the unique needs of the child that result from the child's disability; and

(ii) To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

(4) Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to-

(i) Develop an awareness of the environment in which they live; and

(ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

(5) Vocational education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

(Authority: 20 U.S.C. 1401(25))

What are related services?

34 C.F.R. §300.24—Related services.

(a) General. As used in this part, the term related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

(b) Individual terms defined. The terms used in this definition are defined as follows:

(1) Audiology includes—

(i) Identification of children with hearing loss;

(ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

(iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;

(iv) Creation and administration of programs for prevention of hearing loss;

(v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and

(vi) Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(2) Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(3) Early identification and assessment of disabilities in children means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

(4) Medical services means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

(5) Occupational therapy—

(i) Means services provided by a qualified occupational therapist; and

(ii) includes—

(A) Improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;

(B) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and

(C) Preventing, through early intervention, initial or further impairment or loss of function.

(6) Orientation and mobility services—

(i) Means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and

(ii) Includes teaching students the following, as appropriate:

(A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);

(B) To use the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;

(C) To understand and use remaining vision and distance low vision aids; and

(D) Other concepts, techniques, and tools.

(7) Parent counseling and training means—

(i) Assisting parents in understanding the special needs of their child;

(ii) Providing parents with information about child development; and

(iii) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

(8) Physical therapy means services provided by a qualified physical therapist.

(9) Psychological services includes—

(i) Administering psychological and educational tests, and other assessment procedures;

(ii) Interpreting assessment results;

(iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;

(iv) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations;

(v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and

(vi) Assisting in developing positive behavioral intervention strategies.

(10) Recreation includes—

(i) Assessment of leisure function;

(ii) Therapeutic recreation services;

(iii) Recreation programs in schools and community agencies; and

(iv) Leisure education.

(11) Rehabilitation counseling services means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

(12) School health services means services provided by a qualified school nurse or other qualified person.

(13) Social work services in schools includes—

(i) Preparing a social or developmental history on a child with a disability;

(ii) Group and individual counseling with the child and family;

(iii) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;

(iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and

(v) Assisting in developing positive behavioral intervention strategies.

(14) Speech-language pathology services includes—

(i) Identification of children with speech or language impairments;

(ii) Diagnosis and appraisal of specific speech or language impairments;

(iii) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;

(iv) Provision of speech and language services for the habilitation or prevention of communicative impairments; and

(v) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

(15) Transportation includes—

(i) Travel to and from school and between schools;

(ii) Travel in and around school buildings; and

(iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

(Authority: 20 U.S.C. 1401(22))

What are supplementary aids and services?

34 C.F.R. §300.28—Supplementary aids and services.

As used in this part, the term supplementary aids and services means, aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§300.550-300.556.

(Authority: 20 U.S.C. 1401(29))

What is a continuum of alternative placements?

34 C.F.R. §300.551—Continuum of alternative placements.

(a) Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in paragraph (a) of this section must—

(1) Include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and

(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

(Authority: 20 U.S.C. 1412(a)(5))

How are placement decisions determined?

34 C.F.R. §300.552—Placements.

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency shall ensure that-

(a) The placement decision—

(1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(2) Is made in conformity with the LRE provisions of this subpart, including §§300.550-300.554;

(b) The child's placement—

(1) Is determined at least annually;

(2) Is based on the child's IEP; and

(3) Is as close as possible to the child's home;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

(Authority: 20 U.S.C. 1412(a)(5))

What is the public agency's responsibility for ensuring parent involvement in placement decisions?

34 C.F.R. §300.501—Opportunity to examine records; parent participation in meetings.

(a) General. The parents of a child with a disability must be afforded, in accordance with the procedures of §§300.562- 300.569, an opportunity to—

(1) Inspect and review all education records with respect to—

(i) The identification, evaluation, and educational placement of the child; and

(ii) The provision of FAPE to the child; and

(2) Participate in meetings with respect to—

(i) The identification, evaluation, and educational placement of the child; and

(ii) The provision of FAPE to the child.

(b) Parent participation in meetings.

(1) Each public agency shall provide notice consistent with §300.345(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (a)(2) of this section.

(2) A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

(c) Parent involvement in placement decisions.

(1) Each public agency shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

(2) In implementing the requirements of paragraph (c)(1) of this section, the public agency shall use procedures consistent with the procedures described in §300.345(a) through (b)(1).

(3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency shall use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

(4) A placement decision may be made by a group without the involvement of the parents, if the public agency is unable to obtain the parents' participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement, including information that is consistent with the requirements of §300.345(d).

(5) The public agency shall make reasonable

efforts to ensure that the parents understand, and are able to participate in, any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness, or whose native language is other than English.

(Authority: 20 U.S.C. 1414(f), 1415(b)(1))

Does LRE apply to nonacademic settings?

34 C.F.R. §300.553—Nonacademic settings.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in §300.306, each public agency shall ensure that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child.

(Authority: 20 U.S.C. 1412(a)(5))

Does the State have any responsibility for ensuring that school personnel have the necessary skills and knowledge to implement LRE requirements?

34 C.F.R. §300.555—Technical assistance and training activities.

Each SEA shall carry out activities to ensure that teachers and administrators in all public agencies—

(a) Are fully informed about their responsibilities for implementing §300.550; and

(b) Are provided with technical assistance and training necessary to assist them in this effort.

(Authority: 20 U.S.C. 1412(a)(5))

How is LRE monitored?

34 C.F.R. §300.556—Monitoring activities.

(a) The SEA shall carry out activities to ensure that §300.550 is implemented by each public agency.

(b) If there is evidence that a public agency makes placements that are inconsistent with §300.550, the SEA shall—

(1) Review the public agency's justification for its actions; and

(2) Assist in planning and implementing any necessary corrective action.

(Authority: 20 U.S.C. 1412(a)(5))

What is the State's responsibility for ensuring that children with disabilities are educated in the least restrictive environment?

34 C.F.R. §300.130—Least restrictive environment.

(a) **General**. The State must have on file with the Secretary procedures that ensure that the requirements of §§300.550-300.556 are met, including the provision in §300.551 requiring a continuum of alternative placements to meet the unique needs of each child with a disability.

(b) **Additional requirement**.

(1) If the State uses a funding mechanism by which the State distributes State funds on the basis of the type of setting where a child is served, the funding mechanism may not result in placements that violate the requirements of paragraph (a) of this section.

(2) If the State does not have policies and procedures to ensure compliance with paragraph (b)(1) of this section, the State must provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph.

(Authority: 20 U.S.C. 1412(a)(5))

Section 3: Connections to Relevant Materials*

*[*Please note that only the materials in this section which have been marked with an ▣ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

The purpose of this section is to connect users to relevant materials, some of which have been reviewed by OSEP for consistency with IDEA. The materials have been written for a number of different audiences—teachers, administrators, parents, policymakers, and other stakeholders. Each day, stakeholders may need such information. Consider these possibilities:

- Because of your interest and knowledge of IDEA, a colleague has asked you a question about where the special education program is located. You realize that your answer must explain that special education is a service and not a place.
- As a parent and full member of the IEP team, you are asked to comment on a placement recommendation for your child. You want to make sure team members have considered all options related to providing supplementary aids and services, as well as related services, to your child in the regular education classroom.
- For your professional organization, you have been asked to lead a conference session on the IDEA provision regarding natural environments.
- In your teacher education methods course, a student asks whether it is appropriate to provide special education and related services to children with disabilities who are in correctional facilities.
- Several staff members at the weekly morning personnel meeting inquire about the requirements related to supporting the participation of children with disabilities in extracurricular activities (e.g., school assemblies, lunch)—and want to know how the administration will support this goal.
- As a related service provider, you are asked to collaborate with a regular education classroom teacher and paraeducator to determine how best to provide services for a particular child in meeting his or her annual goals and progress in the general curriculum.
- As an administrator, you are called upon to explain to a group of parents of nondisabled children why the appropriate placement for a particular child with disabilities is a regular education classroom.

As someone with knowledge of IDEA, you may be comfortable answering these questions or knowing where to go for answers. In some of these cases, your response may be enhanced by a print or electronic document that you can share.

This section contains selected materials related to educational environments, some of which have been reviewed by OSEP for consistency with IDEA. It is important to note while other quality resources exist, the ones chosen for inclusion in the ***Discover IDEA: Supporting Achievement for Children with Disabilities*** package have particular applicability to administrators and service providers. This is not to say that family members, policymakers, and other stakeholders will not benefit from the material—indeed, many of the listings are relevant for all groups—but that the particular application of information will be most relevant given the roles and responsibilities of administrators and service providers.

For a listing of OSEP-reviewed materials, visit the National Information Center for Children and Youth with Disabilities (NICHCY) at **www.nichcy.org**.

Organization of the Annotations—Relevant Materials

Information in the annotations is organized as follows:

- Name of the resource.
- Author.
- Publication date.
- Publisher.
- Availability. In many cases, the documents may be downloaded from links on the Internet. In a few cases, documents must be purchased. Information is given to that effect. More detailed ordering information can be found on the ASPIIRE/ILIAD web site **www.ideapractices.org**.
- Format. Information is given about the resource, such as whether it is print or media-based, number of pages (as appropriate), and availability in an alternate language (e.g., Spanish) or format (e.g., Braille).
- Brief description.
- Possible uses. A brief description of how to use and/or share the materials is offered. Occasionally, Information Builders—suggestions for activities that utilize the resource—will be offered. In some instances, tools (e.g., sample activities, blackline masters, handouts, checklists) that may be used in the context of sharing the resource are referenced. These tools are found in the appropriate appendix.

Annotated Materials

Related Services

Author: National Information Center for Children and Youth with Disabilities (NICHCY)

Publication Date: September 2001

Published By: Washington, DC: Author

Available From: Download the News Digest from the NICHCY web site at **www.nichcy.org**.

Format: News Digest (20 pages).

Brief Description: In question-and-answer format, this document briefly examines the answers to the following questions:

- What are related services?
- Why are they an important part of educating children with disabilities?
- Who is eligible for related services?
- How are related services delivered?

In addition, the News Digest offers a list of organizations that typically provide more information about the various related services.

Possible Uses: The News Digest organizes information about related services into one easy-to-use source. The section that defines different related services is particularly useful when you are looking for a brief definition and description of typical services and the types of needs served by them.

When using this document with others, you may want to consider the following Information Builders.

INFORMATION BUILDER E.a

Discussion Questions

Related services are intended to assist a child with a disability in benefiting from special education. Before presenting a mini lecture based on the information, activate participants' prior knowledge by asking the following questions:

- What are related services?
- How do related services support the student in receiving a free appropriate public education in the least restrictive environment?
- How do people know what related services a student needs?
- Who provides related services?
- Where are related services provided?
- How are related services funded?

INFORMATION BUILDER E.b

Who Am I?

To assist group members in familiarizing themselves with different related services, prepare a take-off on the game, *Twenty Questions*. Here are the steps:

1. Prepare copies of the descriptions for each related service. Make enough copies for each participant.

2. Ask participants to form pairs. Ask each pair to review **one** of the related services and make a list of characteristics. Descriptors should be stated using the following template: "I ____." For example, let's say you selected physical therapy. Your descriptors may look something like the following:

- I address a child's posture, muscle strength, mobility, and organization of movement in educational environments.
- I may be provided to prevent the onset or progression of impairment, functional limitation, disability, or changes in physical function or health resulting from injury, disease, or other causes.
- I may provide treatment to increase joint function, muscle strength, mobility, and endurance.
- I may address gross motor skills that rely on the large muscles of the body involved in physical movement and range of motion.
- I may help improve the student's posture, gait, and body awareness.
- I may monitor the function, fit, and proper use of mobility aids and devices.

3. Distribute the handout in **Appendix E-1** to all participants.

4. Ask each pair to read their "clues." They should pause after reading each descriptor. At the end, they should pose the question, "Which related service am I?" Participants should identify the correct related service provider from their lists.

As a variation, create BINGO cards that contain only some of the related service providers. After each pair presents the related service description, participants should mark the corresponding square on their BINGO card, if it exists.

INFORMATION BUILDER E.c

Investigate the Organization

On pages 18 and 19 of the document, a number of organizations are listed. Ask participants to select an organization and investigate it. [*Note*: Each organization listed has a web site that may be accessed for information.] Allow participants to work independently or with another colleague. Ask that participants return to the large group and share their findings.

School Accommodations and Modifications ☒

Author: Families and Advocates Partnership for Education Project (FAPE)

Publication Date: October 2001

Published By: PACER Center, Inc.

Available From: Available on the FAPE web site at **www.fape.org** or by contacting the PACER Center, Inc., 8161 Normandale Blvd., Minneapolis, MN 55437, 952-838-9000, 888-248-0822 (toll-free), 952-838-0190 (TTY).

Format: Four-page fact sheet.

Brief Description: Some students with disabilities need accommodations or modifications to their educational program in order to participate in the general curriculum and to be successful in school. Needed modifications and accommodations are written into a child's IEP. The fact sheet presents a listing of ideas for changes in textbooks and curriculum, classroom environment, instruction, assignments, and behavioral expectations.

Possible Uses: The document organizes information about school accommodations and modifications into one easy-to-use source. It is particularly useful when brainstorming ideas for a particular student.

When using this document with others, you may want to consider the following Information Builders.

INFORMATION BUILDER E.d

Brain Dump

To activate prior knowledge, conduct a brain dump activity as follows:

1. Explain to participants that you want them to generate as many accommodations or modifications as they can think of for one or more of the following areas:

- Books.
- Curriculum.
- Classroom environment.
- Directions.
- Assignments.
- Grading.
- Tests.
- Behavior.

2. Set a kitchen timer for five minutes.

3. At the end of the time, have participants count how many accommodations and modifications they generated.

4. Ask participants to share their lists with a partner, noting any similarities.

5. Compare participants' lists with those in the FAPE document.

INFORMATION BUILDER E.e

What Need Does this Accommodation Serve?

The FAPE document presents a variety of accommodations and modifications that may be appropriate for a particular child. Ask participants to form groups of three or four members. Their challenge: Review the FAPE suggestions and indicate what student need(s) may be addressed by it. [*Note*: To streamline the process, assign different categories of accommodations to different groups.]

When discussing results, encourage participants to share personal experiences using different accommodations.

Twenty-second Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act ☒

Author: U.S. Department of Education, Office of Special Education Programs

Publication Date: 2000

Published By: Washington, DC: Author

Available From: Available on the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**.

Format: Soft cover book. Available in alternate formats (e.g., Braille, large print, audiotape, computer diskette) by calling the Department's Alternate Format Center at 202-205-8113.

Brief Description: Each year, the U.S. Department of Education is required to report to the U.S. Congress on the implementation of IDEA. One chapter that is included in the Twenty-second Annual Report concerns educational environments for students with disabilities (page III-1 in the 2000 edition). The purpose of the chapter is to present data on the progress that has been made in providing services to students with disabilities in least restrictive settings.

Possible Uses: The chapter makes an excellent reference for information regarding where students with disabilities are being served. For a look over time, users may want to consult previous ***Reports to Congress on the Implementation of IDEA***.

When using this document with others, you may want to consider the following Information Builders.

INFORMATION BUILDER E.f

Where Are Students Being Served?

The chapter presents statistics regarding the different educational environments in which students with disabilities are educated. Before looking at the data, ask yourself—or participants—to guess at the percentage of students aged 6 through 21 served in each of the following environments:

- Served outside the regular classroom 0-21% of the day.
- Served outside the regular classroom 21-60% of the day.
- Served outside the regular classroom more than 60% of the day.
- Served in a separate facility.
- Served in a residential facility.
- Served in the home or in a hospital.

The blackline master in **Appendix E-2** may be used as a transparency master. Compare the percentages generated by the participants with those presented in the chapter in Table III-1.

As an extension, ask participants to investigate the statistics in their own state. Have them conduct a comparison of their own state statistics with those of other states. If participants are not familiar with the ASPIIRE/ILIAD web site or ***Discover IDEA CD 2002***, demonstrate how they might search for this information.

INFORMATION BUILDER E.g

A Look at Students by Disability

Data in the chapter shows the breakdown of educational environments by disability. For each educational setting, a percentage is given for each disability group (e.g., 46.6% of students with orthopedic impairments are served 0-21% of the day outside of the regular classroom, 21.3% are served 21-60% of the day outside of the regular classroom, 26.2% are served >60% of the day outside of the regular classroom, 3.7% are served in separate facilities, .03% are served in residential facilities, and 4.7% are served in homes or hospitals). Before reviewing the data, consider the range of percentages represented in each category of disability by educational setting in which students are served:

- 10% to 87.8% served outside the regular classroom 0-21% of the day.
- 7.3% to 39.3% served outside the regular classroom 21-60% of the day.
- 4.4% to 52.1% served outside the regular classroom more than 60% of the day.
- 0.6% to 22.3% served in a separate facility.
- 0.3% to 14.8% served in a residential facility.
- .05% to 4.7% served in the home or in a hospital.

The blackline master in **Appendix E-3** may be used as a transparency master. Pose the following question: What do you think contributed to the range in each educational environment? Review the data and discuss implications, if any, in relation to the least restrictive environment provision in IDEA. Ask, "What might be done to increase the percentage of students with disabilities served in settings with their nondisabled peers to the maximum extent appropriate?"

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INFORMATION BUILDER E.h

Find Out About Infants, Toddlers, and Preschool Children

If you are working with individuals who have an interest in infants, toddlers, and preschool children, two chapters in the Report may be of interest:

- Infants and Toddlers Served Under IDEA (pp. II-1-8).
- Preschoolers Served Under IDEA (pp. II-9-17).

Both chapters present data regarding the number of children served, race/ethnicity of children served, and the service settings or educational environments in which children are served. Review the data and discuss the implications of it. Suggested conversation starters include:

- Did the data surprise you? If so, in what ways?
- Do the data reveal any trends? What factors may explain the identified trends?
- What factors may explain the data that show that some groups have been underrepresented and others overrepresented?

Questions Often Asked By Parents About Special Education Services ☒

Author: National Information Center for Children and Youth with Disabilities (NICHCY)

Publication Date: 1999

Published By: Washington, DC: NICHCY

Available From: Download from the NICHCY web site at **www.nichcy.org**. Or contact NICHCY at P.O. Box 1492, Washington, DC 20013, 800-695-0285.

Format: Twelve-page briefing paper.

Brief Description: This document presents a series of questions that parents often ask about special education services. The questions and answers are organized into the following categories:

- General special education.
- Evaluation.
- Eligibility for special education and related services.
- Writing an IEP.
- Re-evaluation.
- Other questions (e.g., due process, accountability).

Possible Uses: A number of questions and answers in the briefing paper speak directly to helping parents understand special education, related services, and educational placement for a child with a disability, such as:

- What is special education?
- What are related services?
- How are placement decisions determined?

When using this document with others, you may want to consider the following Information Builders.

INFORMATION BUILDER E.i

Investigate Related Services

Appendix E-4 contains a listing of the related services cited in IDEA. [*Note:* This list does not include every related service that a child might need or that a school system may offer.] For each related service, write a brief description of the service and list a contact(s) person. If you are working in a school district, then investigate the services that your district offers and/or has access to. If you are a point person in a professional organization or a teacher educator, include contacts who may be called upon for information about the service. As an extension, visit the web sites of the professional organizations that serve related service providers listed in Section 4 of this Pathway Guide. Collect information from them (e.g., statements of professional standards, professional development opportunities, pamphlets, or brochures about the service).

INFORMATION BUILDER E.j

Explain Special Education and Related Services

Use a role play format to engage participants in applying their knowledge of special education and related services. Present different scenarios (see **Appendix E-5** or create your own to match the needs of your group members) for the role play. In preparation for the role play, have participants review the information in the Briefing Paper. Allow time for participants to prepare for the role play. Role plays may be presented to the entire group, or in small groups. Assign observers for each role play who provide feedback on the clarity and accuracy of information given and comment on the nature of the communication.

INFORMATION BUILDER E.k

Create a Survey

The document is focused on questions that are often asked by parents about special education services. Survey your colleagues for their questions. Compile the list. Use this list as a basis for discussion. Or, find answers to the questions in the documents and circulate.

Other Materials that Address Educational Environments

There are other resources related to least restrictive educational environments that may provide additional sources of information. In some cases, selected materials described in the Discover IDEA Core Module of this package address educational environments and are, thus, considered supplemental sources of information. [*Note*: Information on obtaining many of these resources is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.]

Developing Educationally Relevant IEPs: A Technical Assistance Document for Speech-Language Pathologists ☒

Citation: Brannen, S., Cooper, E., Dellegrotto, J., Disney, S., Eger, D., Ehren, B., Ganley, K., Isakson, C., Montgomery, J., Ralabate, P., Secord, W., & Whitmire, K. (2000). ***Developing educationally relevant IEPs: A technical assistance document for speech-language pathologists***. Rockville, MD: American Speech-Language-Hearing Association.

Available From: Information on obtaining this product is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Brief Description: This guide provides an overview of how related services can support children with disabilities to enable them to achieve in least restrictive educational environments.

The Paraprofessional's Guide to the Inclusive Classroom: Working as a Team

Citation: Doyle, M. (1997). ***The paraprofessional's guide to the inclusive classroom: Working as a team***. Baltimore, MD: Paul H. Brookes, Publishing Co.

Available From: Information on obtaining this product is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Brief Description: The purpose of the guide is to provide introductory information about the roles and responsibilities of paraprofessionals who are providing support in general education and special education classrooms.

Understanding the Special Education Process: An Overview for Parents ☒

Citation: Families and Advocates Partnership for Education (FAPE) (1999). ***Understanding the special education process: An overview for parents***. Minneapolis, MN: Families and Advocates Partnership for Education (FAPE), PACER Center.

Available From: Download from the FAPE web site at **www.fape.org**. Or contact FAPE at the Technical Assistance Alliance for Parent Centers, PACER Center, 8161 Normandale Boulevard, Minneapolis, MN 55437, 888-248-0822 (toll free), 952-838-0190 (TTY), **www.pacer.org**. Also may be downloaded from a link on the NICHCY web site at **www.nichcy.org**.

Brief Description: The family-friendly two-page fact sheet (available in English, Spanish, and Hmong) provides a basic overview of the special education process from the evaluation stage to the IEP stage.

Individuals with Disabilities Education Act (IDEA): A Workshop for Families, Advocates, and Self-advocates ☒

Citation: Families and Advocates Partnership for Education (FAPE) (1999). ***Individuals with Disabilities Education Act (IDEA): A Workshop for Families, Advocates, and Self-Advocates*** (CD). Minneapolis, MN: PACER Center.

Available From: Technical Assistance Alliance for Parent Centers, PACER Center, 8161 Normandale Boulevard, Minneapolis, MN 55437, 888-248-0822 (toll free), 952-838-0190 (TTY), **www.fape.org**.

Brief Description: This one-volume training package (IDEA file transparencies and curriculum in English and Spanish; IDEA file transparencies and curriculum include Native American graphics) on IDEA contains a curriculum for trainers and accompanying overheads. One of the main sections in this training package addresses least restrictive environment.

Let's Team Up! A Checklist for Paraeducators, Teachers, and Principals

Citation: Gerlach, K. (2001). ***Let's team up! A checklist for paraeducators, teachers, and principals***. Washington, DC: National Education Association.

Available From: The NEA, 1201 16th Street, NW, Washington, DC 20036, 202-833-4000, **www.nea.org**.

Brief Description: The purpose of the checklist is to help paraeducators, teachers, and principals understand their roles and responsibilities as they relate to each other.

Discover IDEA CD 2002 ☒

Citation: IDEA Partnership Projects, Education Development Center, Western Regional Resource Center at the University of Oregon, & National Information Center for Children and Youth with Disabilities (2002). ***Discover IDEA CD 2002***. Arlington, VA: Council for Exceptional Children.

Available From: Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Brief Description: This CD provides educators, related services providers, parents, advocates, administrators, and policymakers with information on the Individuals with Disabilities Education Act of 1997. In the context of focusing on educational environments, the search function of the CD can be used to locate the sections of the law and the regulations related to least restrictive environment. You also may peruse the IDEA Senate Report for rationale related to the changes.

Questions and Answers About IDEA ☒

Citation: National Information Center for Children and Youth with Disabilities (NICHCY) (January 2000). ***Questions and answers about IDEA***. Washington, DC: Author.

Available From: NICHCY, P.O. Box 1492, Washington, DC 20013, 800-695-0285, **www.nichcy.org**.

Brief Description: This News Digest (ND21, second edition) answers questions about IDEA '97. Pages 3 through 5 address questions related to educating children with disabilities in the least restrictive environment. In addition, page 10 addresses how a child's placement is determined.

Strengthening and Supporting Teacher/Provider-Paraeducator Teams: Guidelines for Paraeducator Roles, Supervision, and Preparation

Citation: Pickett, A. (1999). ***Strengthening and supporting teacher/provider-paraeducator teams: Guidelines for paraeducator roles, supervision, and preparation***. New York: National Resource Center for Paraprofessionals in Education and Related Services (NRCP).

Available From: Available on the NRCP web site at **www.nrc.para.org**. Also on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Brief Description: Increasingly, paraeducators are providing support to students with disabilities. This document presents eight guiding principles that are designed to:

- Create and/or strengthen policies and systems that impact on paraeducators roles, supervision, and preparation.
- Help recruit, retain, and prepare a skilled paraeducator workforce.
- Ensure that paraeducators are supervised effectively and integrated appropriately into program implementation and planning teams.
- Enhance the recognition of the value of paraeducators as team members.

Twenty-third Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act ☒

Citation: U.S. Department of Education, Office of Special Education Programs (2001). ***Twenty-third annual report to Congress on the implementation of the Individuals with Disabilities Education Act***. Washington, DC: Author.

Available From: Available on the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**. Also found on the ***Discover IDEA CD 2002*** available from the Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Brief Description: Each year, the U.S. Department of Education is required to report to the U.S. Congress on the implementation of IDEA. One chapter that is included concerns educational environments for students with disabilities (page III-1 in the 2001 edition). The purpose of the chapter is to present data on the progress that has been made in providing services to students with disabilities in least restrictive settings.

IDEA Training Package ☒

Citation: U.S. Department of Education, Office of Special Education Programs (OSEP) (1997). ***IDEA training package***. Washington, DC: Author.

Available From: Download from the NICHCY web site at **www.nichcy.org**.

Brief Description: This is a comprehensive training package on IDEA '97. It includes a training curriculum with overheads prepared in both English and Spanish. One of the main sections in this training package addresses least restrictive environment.

Schools with IDEAs that Work

Citation: U.S. Department of Education, Office of Special Education Programs (no date). ***Schools with IDEAs that work***. Washington, DC: Author.

Available From: Information on obtaining this product is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Click on Professional Development Resources. Also may be downloaded from the NICHCY web site at **www.nichcy.org**.

Brief Description: The booklet presents examples of how children with disabilities are being served in schools across the country.

IDEA Requirements for Preschoolers with Disabilities: IDEA Early Childhood Policy and Practice Guide ☒

Citation: Walsh, S., Smith, B. & Taylor, R. (2000). ***IDEA requirements for preschoolers with disabilities: IDEA early childhood policy and practice guide***. Arlington, VA: Division for Early Childhood of the Council for Exceptional Children.

Available From: The document is available in html and PDF formats on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Order it in print form from the Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733, 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Brief Description: The guide features a section on least restrictive environment in question and answer format. In addition, the notes from the Division for Early Childhood provide suggestions on implementing LRE requirements with preschool-aged children.

Educational Environments: Resource Guides

The topic of least restrictive educational environments is very broad. In the context of sharing information about educational environments, related topics may arise. Resource Guides provide more in-depth information about a particular topic.

The Resource Guides are organized according to the following framework:

- **Brief Description of the Topic**. Use this section to orient yourself to how the Resource Guide topic is related to supporting achievement for students with disabilities and IDEA.
- **What the Law Says**. Use this section to locate 1999 IDEA Regulations related to the Resource Guide topic. [*Note*: Only portions of the regulations are provided here for your convenience.]
- **What Research Says**. Use this section to obtain a summary of the research and, if appropriate, information generated by experts who are working in the area of the Resource Guide topic. The section presents a summary of research findings, followed by a list of references. These references are presented as complete citations in the last section, References. [*Note*: For information on the approach used to scan the research base, see the discussion in the Core Module.]

- **Relevant Materials**. Use this section to locate materials that address the Resource Guide topic. Some of the materials have been reviewed by OSEP for consistency with IDEA.

- **References and Resources**. Use the Reference section to find citations for all literature used in the Resource Guide. The Resources section contains selected web sites and organizations concerned primarily with the Resource Guide topic. [*Note*: In some cases, no resources are cited. This means that no site was identified as providing substantial information particular to the subtopic in the context of IDEA.]

The Appendix contains several Resource Guides that direct users to more targeted information on selected topics. Individuals may have specific information needs related to specific provisions in IDEA, such as:

- Inclusion as It Relates to Least Restrictive Environment. [See **Appendix E-6**.]

- Children with Disabilities in the Juvenile Justice System. [See **Appendix E-7**]

- Overrepresentation of Children from Culturally Diverse Backgrounds in More Restricted Environments. [See **Appendix E-8**.]

It is important to note that the topics chosen for discussion here are not all-inclusive. Indeed, many other topics related to least restrictive educational environments have relevance. As additional Resource Guides are developed, they will be posted on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Section 4: Connections to Web-Based Resources*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

Many web sites exist that connect users to new materials, resources, and information on educational environments and IDEA . While many web sites that address the needs of children with disabilities exist, only those that provide relevant information related to IDEA and supporting achievement for children with disabilities have been chosen for inclusion in this section. In some cases, the site may only mention IDEA, while in others more substantive resources on the topic are available. Frequently, the sites refer users to other web sites related to the topic.

Often, documents referenced in ***Discover IDEA: Supporting Achievement for Children with Disabilities—An IDEA Practices Resource Guide*** can be downloaded from a particular site. Become familiar with—maybe even bookmark—the sites that are referenced most frequently in this package. They include:

- **www.ideapractices.org**--home of the Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE) and the IDEA Local Implementation by Local Administrators Partnership (ILIAD) projects.

- **www.fape.org**—home of the Families

and Advocates Partnership for Education (FAPE) project.

- **www.ideapolicy.org**—home of the Policymaker Partnership project.
- **www.ed.gov/offices/OSERS/OSEP/**—home of the U.S. Department of Education, Office of Special Education Programs (OSEP).
- **www.nichcy.org**—home of the National Information Center for Children and Youth with Disabilities (NICHCY).

This section presents selected web sites that address educational environments and IDEA in more elaborate ways, such as:

- Offering an online document on the topic.
- Providing information on IDEA provisions.
- Linking to resources on IDEA.

Because IDEA provides that children with disabilities should receive special education and related services necessary for them to participate and progress in the general education curriculum, the focus of a particular web site may be a related service (e.g., occupational therapy, school psychology, speech-language pathology services).

Following are descriptions of web sites, along with suggestions for visiting them for the purpose of finding out more information about educational environments and IDEA. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

American Occupational Therapy Association (AOTA)

www.aota.org

Housed At: 4720 Montgomery Lane, P.O. Box 31220, Bethesda, MD 20824-1220, 301-652-2682, 800-377-8555 (TTY toll free).

Brief Description: AOTA is the national association for occupational therapists. This site provides access to continuing education programs and workshops, a chat room for ongoing discussions, and information on accreditation.

American Speech-Language-Hearing Association (ASHA)

www.asha.org

Housed At: 10801 Rockville Pike, Rockville, MD 20852, 888-321-ASHA, 800-498-2071 (TTY toll free).

Brief Description: ASHA is the professional, scientific, and credentialing association for more than 98,000 speech-language pathologists, audiologists, and speech, language, and hearing scientists in the United States and internationally. The web site offers information on upcoming professional development events, news, and resources.

National Association of School Psychologists (NASP)

www.nasponline.org

Housed At: 4340 East-West Highway, Suite 402, Bethesda, MD 20814, 301-657-0270, 301-657-4155 (TTY).

Brief Description: NASP is a membership organization that promotes educationally and psychologically healthy environments for all children and youth through state-of-the-art research and training, advocacy, ongoing program evaluation, and professional service. NASP publishes the ***Communiqué*** newsletter and other documents.

National Resource Center for Paraprofessionals in Education and Related Services (NRCP)

www.nrcpara.org

Housed At: 6526 Old Main Hill Road, Utah State University, Logan, UT 84322, 435-797-7272.

Brief Description: The NRCP provides paraprofessionals and other education professionals a variety of services, including technical assistance, information about policy questions, management practices, regulatory procedures and training models. The web site includes a bibliography and articles about paraprofessionals.

Urban Special Education Leadership Collaborative (USELC)

www.edc.org/collaborative

Housed At: Education Development Center, Inc., 55 Chapel Street, Newton, MA 02458, 617-969-7100, 617-964-5448 (TTY).

Brief Description: The Urban Special Education Leadership Collaborative provides technical assistance to urban school districts and is involved in contemporary special education issues. USELC's leadership development includes accountability and programmatic issues. The site includes publications and announcements.

Section 5: Connections to References*

*[*Please note that only the materials in this section which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

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Appendix E-1

Who Am I?

Artistic/Cultural Programs

Assistive Technology Devices and Services

Audiology

Counseling Services

Medical Services

Occupational Therapy

Orientation and Mobility Services

Parent Counseling and Training

Physical Therapy

Psychological Services

Recreation

Rehabilitation Counseling Services

School Health Services

Social Work Services in Schools

Speech-Language Pathology Services

Transportation

Accompanies

INFORMATION BUILDER E.b

Appendix E-2

Where Are Students Being Served?

____%Served outside the regular classroom 0-21% of the day.

____% Served outside the regular classroom 21-60% of the day.

____% Served outside the regular classroom more than 60% of the day.

____% Served in a separate facility.

____% Served in a residential facility.

____% Served in the home or in a hospital.

Accompanies
INFORMATION BUILDER E.f

Appendix E-3

Explain the Range

The percentage of students with a particular disability in any educational environment varies. For example, whereas the average percentage of students with disabilities served in separate facilities is 2.9%, the percentage of those with deaf-blindness is 19.9% and for specific learning disabilities is 0.6%. Explain the range in each educational environment.

- 10% to 87.8 served outside the regular classroom 0-21% of the day.
- 7.3% to 39.3% served outside the regular classroom 21-60% of the day.
- 4.4% to 52.1% served outside the regular classroom more than 60% of the day.
- 0.6% to 22.3% served in a separate facility.
- 0.3% to 14.8% served in a residential facility.
- .05% to 4.7% served in the home or in a hospital.

Accompanies
INFORMATION BUILDER E.g

Appendix E-4

Related Services Directory

For each related service, write a brief description of the service and list a contact person. Because the following list does not include every related service that a child might need or that a school system may offer, space has been left at the end for additions.

Audiology Services

Services:

Contact:

Counseling Services (including Rehabilitation Counseling)

Services:

Contact:

Early Identification and Assessment (of disabilities)

Services:

Contact:

Accompanies INFORMATION BUILDER E.i

Appendix E-4, continued

Medical Services for Diagnostic or Evaluation Purposes

Services:

Contact:

Occupational Therapy

Services:

Contact:

Orientation and Mobility Services

Services:

Contact:

Parent Counseling and Training

Services:

Contact:

Appendix E-4, continued

Physical Therapy

Services:

Contact:

Psychological Services

Services:

Contact:

Recreation (including Therapeutic Recreation)

Services:

Contact:

School Health Services

Services:

Contact:

Accompanies

INFORMATION BUILDER E.i

Appendix E-4, continued

Social Work Services in the School

Services:

Contact:

Speech-Language Pathology

Services:

Contact:

Transportation

Services:

Contact:

Other:

Services:

Contact:

Accompanies

INFORMATION BUILDER E.i

Appendix E-5

Explaining Special Education and Related Services: Role Play Scenarios

Scenario #1

You have been asked to describe special education and related services to parents. This might be in the context of being asked a question by parents in a private meeting or at a Parent-Teacher meeting.

Roles: Administrator, special educator, or related service provider; parents

Scenario #2

You have been asked to provide an overview of special education and related services to a small group of colleagues in your professional organization. This might be in the context of planning a publication (e.g., newsletter article, special topical section in a journal, professional session strand at an upcoming conference).

Roles: Point person, colleagues

Accompanies
INFORMATION BUILDER E.j

Appendix E-5, continued

Scenario #3

You have been asked to provide an orientation to special education and related services to beginning teachers, interns, or classroom volunteers. This might be in the context of a private or group meeting.

Roles: Administrator, special educator, related service provider, or teacher leader; teachers, interns, or volunteers

Scenario #4

You are at a meeting at which inaccurate information about special education and related services has been stated. The context might be at a conference session, during a general staff meeting, or during a private one-on-one meeting. Your challenge is to provide accurate information.

Roles: Administrator, service provider, teacher, participant, parent, colleague; individual making the inaccurate statement

Appendix* E-6

RESOURCE GUIDE

Inclusion—As it Relates to Least Restrictive Environment*

As required by IDEA, students with disabilities must be given opportunities, to the maximum extent appropriate, to interact with and be educated with students who do not have disabilities.

IDEA places significant emphasis on helping children with disabilities, at an individually appropriate level, participate and progress in the general education curriculum. The IEP must include accommodations, modifications, and any special services that the child needs to access the general education curriculum, as well as identify support service providers needed to carry out the child's program.

While IDEA provides that students with disabilities shall be educated in the regular educational environment—unless it is determined by the IEP team that the nature or the severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily—no specific reference is made to the term *inclusion*. Federal statutes do not require public school districts to educate every child in the regular classroom. In fact, IDEA requires that a continuum of educational placement options must be available to the child based on his or her needs, including alternate placements (e.g., instruction in regular classes, special classes, special schools, home instruction, and in hospitals and institutions), and that schools provide supplementary services as appropriate (e.g., resource room or itinerant instruction) in conjunction with regular class placement.

In 1997-98, 75 percent of students with disabilities (ages 6-21) were educated in regular education classrooms (U.S. Department of Education, 2000).

*[*Please note that only the materials in this appendix which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

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RESOURCE GUIDE (continued)

Early Childhood

In 1997-98, 53 percent of preschool children were educated in regular classrooms and 59 percent of infants and toddlers were served in natural environments (e.g., family child care, regular nursery school, regular child care) (U.S. Department of Education, 2000). Inclusive experiences for preschoolers with disabilities vary widely in the amount of time, if any, and the kinds of setting utilized. For example, there may be great variation among how school systems define an inclusive program—without regard to the amount of time children spend with their non-disabled peers or the ratio of children with disabilities participating in the program (Odom, et al., 1999).

- Cavallro, Ballard-Rosa, & Lynch, 1998.
- Guralnick, 2001.
- Harvey, Voorhees, & Landon, 1997.
- Odom, Horn, Marquart, Hanson, Wolfberg, Beckman, Lieber, Li, Schwartz, Janko, & Sandall, 1999.
- Smith & Rapport, 2001.
- Smith & Rose, 1993.

Children perform best and are most comfortable in familiar surroundings. The term *natural environment* has appeared in Part C of IDEA since 1991, and is defined as settings that are natural or normal for the child's age peers who have no disabilities. 34 C.F.R. §303.18 and §303.12(b). Natural environments for infants and toddlers with disabilities is based on the premise that their needs, as well as those of the family, can be met in settings that are natural for the family. Natural environment requirements in IDEA are consistent with generally accepted principles of early childhood practice (Sandall, McLean, & Smith, 2000; Walsh, Rous, & Lutzer, 2000).

What the Law Says

IDEA provides that students with disabilities are to be educated with children who are not disabled, to the maximum extent appropriate, and that removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily. The IEP must include an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in activities that are extracurricular

Appendix E-6

RESOURCE GUIDE (continued)

or nonacademic. IDEA further specifies that a continuum of alternative placements must be available to meet the needs of children with disabilities for special education and related services. Relevant IDEA Part B provisions follow.

The IDEA Part B regulations clarify that the least restrictive environment requirements apply to preschoolers ages three through five with disabilities. IDEA Part C regulations provide that, to the maximum extent possible, early intervention services must be provided in a natural environment for the child. [*Note*: Only portions of the regulations are provided here for your convenience.]

34 C.F.R. §300.347—Content of IEP.

(a) General. The IEP for each child with a disability must include—

(1) A statement of the child's present levels of educational performance, including—

(i) How the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled children); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to—

(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities; and

(ii) Meeting each of the child's other educational needs that result from the child's disability;

(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

(4) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(3) of this section;

(5)

(i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and

(ii) If the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of—

(A) Why that assessment is not appropriate for the child; and

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(B) How the child will be assessed;

(6) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

(7) A statement of—

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—

(A) Their child's progress toward the annual goals; and

(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

...

(Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6)(A)(ii))

34 C.F.R. §300.550—General LRE requirements.

(a) Except as provided in §300.311(b) and (c), a State shall demonstrate to the satisfaction of the Secretary that the State has in effect policies and procedures to ensure that it meets the requirements of §§300.550-300.556.

(b) Each public agency shall ensure—

(1) That to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

(2) That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(Authority: 20 U.S.C. 1412(a)(5))

34 C.F.R. §300.551—Continuum of alternative placements.

(a) Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in paragraph (a) of this section must—

(1) Include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and

(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

(Authority: 20 U.S.C. 1412(a)(5))

Appendix E-6

RESOURCE GUIDE (continued)

34 C.F.R. §300.552—Placements.

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency shall ensure that—

(a) The placement decision—

(1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(2) Is made in conformity with the LRE provisions of this subpart, including §§300.550-300.554;

(b) The child's placement-

(1) Is determined at least annually;

(2) Is based on the child's IEP; and

(3) Is as close as possible to the child's home;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

(Authority: 20 U.S.C. 1412(a)(5))

34 C.F.R. §300.553—Nonacademic settings.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in §300.306, each public agency shall ensure that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child.

(Authority: 20 U.S.C. 1412(a)(5))

34 C.F.R. §303.12 –Early intervention services.

(a) General. As used in this part, early intervention services means services that—

(1) Are designed to meet the developmental needs of each child eligible under this part and the needs of the family related to enhancing the child's development;

(2) Are selected in collaboration with the parents;

(3) Are provided—

(i) Under public supervision;

(ii) By qualified personnel, as defined in Sec. 303.21, including the types of personnel listed in paragraph (e) of this section;

(iii) In conformity with an individualized family service plan; and

(iv) At no cost, unless, subject to Sec. 303.520(b)(3), Federal or State law provides for a system of payments by families, including a schedule of sliding fees; and

(4) Meet the standards of the State, including the requirements of this part.

(b) Natural environments. To the maximum extent appropriate to the needs of the child, early intervention services must be provided in natural environments, including the home and community settings in which children without disabilities participate.

...

(Authority: 20 U.S.C. 1401(1) and (2); 1432(4))

34 C.F.R. §303.18—Natural environments.

As used in this part, natural environments means settings that are natural or normal for the child's age peers who have no disabilities.

(Authority: 20 U.S.C. 1435 and 1436)

34 C.F.R. §303.167—Individualized family service plans.

Each application must include—

(a) An assurance that a current IFSP is in effect and implemented for each eligible child and the child's family;

(b) Information demonstrating that—

(1) The State's procedures for developing, reviewing, and evaluating IFSPs are consistent with the requirements in Secs. 303.340, 303.342, 303.343 and 303.345; and

(2) The content of IFSPs used in the State is consistent with the requirements in Sec. 303.344; and

(c) Policies and procedures to ensure that—

(1) To the maximum extent appropriate, early intervention services are provided in natural environments; and

(2) The provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only if early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment.

(Approved by the Office of Management and Budget under control number 1820-0550)

(Authority: 20 U.S.C. 1435(a)(4), 1436(d))

Appendix E-6

RESOURCE GUIDE (continued)

What Research Says

Research has considered the efficacy of general education placements for students with disabilities. One approach has been to study whether children with disabilities in regular education classrooms academically progress (usually on math and reading measures) better or the same as cohorts in special education settings. Findings are inconclusive; however some evidence suggests that some children progress the same, or a little better. Further, children with disabilities tend to be as academically engaged as their nondisabled peers in regular education classes. Students with severe disabilities have been found able to learn new skills in regular classrooms.

- Banerji & Dailey, 1995.
- Chow & Kasari, 1999.
- Freeman & Alkin, 2000.
- Hollowood, Salisbury, Rainforth, & Palombaro, 1994.
- Hunt & Goetz, 1997.
- Manset & Semmel, 1997.
- Odom, 2000.
- Saint-Laurent, Dionne, Giasson, Simard, & Pierard, 1998.
- Shinn, Powell-Smith, Good, & Baker, 1997.
- Waldron & McLesky, 1998.

Researchers have compared social gains for children with disabilities in regular education classrooms and settings and special education classrooms. Generally, research suggests that children interact more frequently with nondisabled peers in regular settings and are perceived by their nondisabled peers as socially competent. Results are inconclusive regarding whether children with disabilities who are included in regular settings interact significantly with their nondisabled peers.

- Banerji & Dailey, 1995.
- Cook & Semmel, 1999.
- Freeman & Alkin, 2000.
- Hunt & Goetz, 1997.
- Kennedy, Shukla, & Fryxell, 1997.
- Odom & Bailey, 2001.

Research suggests little, if any, negative effect of inclusion on the progress of

Appendix E-6

RESOURCE GUIDE (continued)

nondisabled students. Some evidence suggests a positive effect on the self-concept of students without disabilities. One line of research suggests that nondisabled children benefit (e.g., gain greater awareness) by interacting with children with disabilities. Further, nondisabled students generally do not perceive special accommodations made for their peers with disabilities negatively.

- Hunt & Goetz, 1997.
- Klingner & Vaughn, 1999.
- Manset & Semmel, 1997.
- Staub & Peck, 1995.

When considering attitudes of teachers and administrators toward inclusion, the majority tend to support the concept philosophically but have reservations about its implementation. Typically, teachers identify for themselves insufficient time, skills, training, and resources as barriers to inclusion. Research also suggests that general educators' willingness to include students with disabilities in their classrooms covaries with the severity of the disability and the amount of teacher responsibility required.

- Bennett, DeLuca, & Bruns, 1997.
- Cook, Semmel, & Gerber, 1999.
- Janney, Snell, Beers, & Raynes, 1995.
- Minke, Bear, Deemer, & Griffin, 1996.
- Olson, Chalmers, & Hoover, 1997.
- Scruggs & Mastropieri, 1996.

Generally, parents report positive attitudes toward successful inclusion (e.g., instances when inclusion resulted in positive benefits for the child). Parents cite the following factors associated with positive experiences with inclusion: staff were positive toward inclusion and family involvement, had sufficient training, and took time to collaborate with parents.

- Bennett, DeLuca, & Bruns, 1997.
- Hunt & Goetz, 1997.
- Miller, Strain, Boyd, Hunsicker, McKinley, & Wu, 1992.
- Odom & Bailey, 2001.

Appendix E-6

RESOURCE GUIDE (continued)

Early Childhood Focus

Research has considered facilitators of inclusive preschool programs, and generally has found the following elements to be key: supportive leadership, training and resources for staff, shared vision among all stakeholders, supportive policies, and community influence. Cultural and linguistic issues also are related to successful inclusion programs for young children. How preschool programs and community sites acknowledge, adapt, and match the cultural preferences and/or expectations of participating children and families influences program outcomes.

- Hanson, Gutierrez, Morgan, Brennan, & Zercher, 1997.
- Hanson, Wolfberg, Zercher, Morgan, Gutierrez, Barnewell, & Beckman, 1998.
- Lieber, Hanson, Beckman, Odom, Sandall, Schwartz, Horn, & Wolery, 2000.

Research, which is inconclusive, has focused primarily on the social outcomes—increased social competence and advanced play skills—of providing services to young children with disabilities in settings with their nondisabled peers. Children who participate in inclusive programs are more likely to exit special education in later years. Further, different levels of inclusion may produce differential results for higher and lower performing children with disabilities.

- Brown, Odom, Li, & Zercher, 1999.
- Buysse, 1993
- Cole, Mills, Dale, & Jenkins, 1991.
- Erwin, 1993.
- Guralnick, Connor, Hammond, Gottman, & Kinnish, 1995.
- Hull, Venn, Lee, & Van Buren, 2000.
- Levine & Antia, 1997
- Miller, Strain, McKinley, Heckathorn, and Miller, 1993.
- Mills, Cole, Jenkins, & Dale, 1998.
- Odom, Zercher, Li, Marquart, & Sandall, 1998.

The philosophy of inclusion is consistent with the concept and use of natural environments (Ruel, Losardo, Dinnebeil, Kaiser, & Rowland, 1998). Research suggests that providing services in natural environments has certain benefits (McWilliam, 2000). One benefit is that instruction in natural environments tends to promote child-focused, age-appropriate skill targets. Another is that family and

RESOURCE GUIDE (continued)

community life offers many opportunities for learning that can be used to promote and enhance behavioral and developmental competencies.

- Bruder & Staff, 1998.
- Dunst, 2001.
- Dunst, Hamby, Trivette, Raab, & Bruder, 2000.
- Santos & Lignugaris/Kraft, 1997.

Materials that Address Inclusion

Twenty-third Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act ☒

Author: U.S. Department of Education, Office of Special Education Programs

Publication Date: 2001

Published By: Washington, DC: Author

Available From: Available on the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**. Also available on the ***Discover IDEA CD 2002*** (available from the Council for Exceptional Children) and on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Format: Chapter in a report.

Brief Description: Each year, the U.S. Department of Education is required to report to the U.S. Congress on the implementation of IDEA. One chapter that is included concerns educational environments for students with disabilities (page III-1 in the 2001 edition). The purpose of the chapter is to present data on the progress that has been made in providing services to students with disabilities in least restrictive settings.

You also may want to check out previous reports. In addition to the educational environment information, some reports contain modules on related topics. For example, the *Twenty-first Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act* (1999):

- Summarized the literature on the positive outcomes of inclusive education practices (page III-19).

Appendix E-6

RESOURCE GUIDE (continued)

- Presented issues that have an impact on paraeducator performance and career development (page III-13).
- Discussed difficulties and possible curricular and instructional solutions in providing access to the general education curriculum for students with disabilities (page I-21).

IDEA Requirements for Preschoolers with Disabilities: IDEA Early Childhood Policy and Practice Guide ☒

Author: Walsh, S., Smith, B., & Taylor, R.

Publication Date: 2000

Published By: Arlington, VA: Division for Early Childhood [DEC] of the Council for Exceptional Children

Available From: The document is available in html and PDF formats on the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Order a printed version from the Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733, 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Format: 52-page print guide.

Brief Description: This guide assists early childhood general educators, early childhood special educators, related service providers, parents, administrators, and others in understanding what IDEA now requires for young children with disabilities ages birth through five years and their families. Throughout the guide, practice and resource recommendations from DEC are offered. The topic of least restrictive environment is addressed in the context of providing appropriate services under Part B of IDEA.

Other Resources

Following are selected resources related to the topic of inclusion. In some cases, the references relate to a section of a resource (e.g., a chapter, selected pages) that was more fully described in the Core Module of this package. [*Note*: Information on obtaining many of these materials is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org.**]

Students' Perceptions of Instruction in Inclusion Classrooms: Implications for Students with Learning Disabilities

Citation: Families and Advocates Partnership for Education (FAPE). (September 2001). ***Students' perceptions of instruction in inclusion classrooms: Implications for students with learning disabilities*** (Research Brief). Minneapolis, MN: PACER Center, Inc.

Available From: Download from the FAPE web site at **www.fape.org**. Or contact FAPE at PACER Center, Inc., 8161 Normandale Blvd., Minneapolis, MN 55437, 888-248-0822, 952-838-0190 (TTY).

Brief Description: This two-page brief summarizes the research findings from the article: Klingner, J.K., & Vaughn, S. (1999). Students' perceptions of instruction in inclusion classrooms: Implications for students with learning disabilities. ***Exceptional Children, 66***(1), 23-37. The summary presents what students with disabilities have to say about grading practices, homework, assignment routines, helping practices, instructional practices, grouping, and adaptations.

Restructuring for Caring and Effective Education: Piecing the Puzzle Together

Citation: Villa, R., & Thousand, J. (2000). ***Restructuring for caring and effective education: Piecing the puzzle together*** (2nd Edition). Baltimore, MD: Paul H. Brookes Publishing Co.

Available From: Information on obtaining this book is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org.**

Appendix E-6

RESOURCE GUIDE (continued)

Brief Description: The edited book contains chapters examining the purposes of schooling; curriculum, instruction, and assessment for inclusive schooling; emerging collaborative and creative roles and processes in inclusive schools; examples of inclusive schooling in action; and future directions and reflections.

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RESOURCE GUIDE (continued)

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Erwin, E. J. (1993). Social participation of young children with visual impairment in specialized and integrated environments. ***Journal of Visual Impairments and Blindness, 87,*** 138-142.

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RESOURCE GUIDE (continued)

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RESOURCE GUIDE (continued)

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RESOURCE GUIDE (continued)

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Resources

The following resources include organizations and/or web sites that feature information on the topic of inclusion. In most cases, OSEP has not reviewed the information available from these resources for consistency with IDEA and no endorsement by OSEP is implied. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

RESOURCE GUIDE (continued)

Consortium on Inclusive School Practices (CISP)

www.asri.edu/cfsp/brochure/abtcons.htm

Housed At: 245 N. 15th Street, Philadelphia, PA 19102.

Brief Description: The web site offers a number of reports and policy briefs on inclusive schooling practices.

Division for Early Childhood (DEC)

www.dec-sped.org

Housed At: Contact DEC through the Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-4433.

Brief Description: DEC of the Council for Exceptional Children is a national organization of individuals who work with or on behalf of children with special needs, birth through age eight, and their families. The web site contains numerous policy statements, recommended practices, and resources on early childhood special education.

National Early Childhood Technical Assistance Center (NECTAC)

www.ectac.org

Housed At: The Frank Porter Graham Child Development Center, University of North Carolina-Chapel Hill, 919-962-2001.

Brief Description: The web site contains publications, information on IDEA, policies, and other related resources. The web site subsection, Keys to Inclusion, was developed to build administrative supports for inclusion and natural environments.

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RESOURCE GUIDE (continued)

Urban Special Education Leadership Collaborative (USELC)

www.edc.org/collaborative

Housed At: Education Development Center, Inc., 55 Chapel Street, Newton, MA 02458, 617-969-7100, 617-964-5448 (TTY).

Brief Description: The Urban Special Education Leadership Collaborative provides technical assistance to urban school districts and is involved in contemporary special education issues. USELC's leadership development includes accountability and programmatic issues. The site includes publications and announcements.

Appendix* E-7

RESOURCE GUIDE

Children with Disabilities in the Juvenile Justice System*

An estimated 30 to 50 percent of youth in juvenile corrections are identified as youth with disabilities. It is estimated that more than one-third of all youths who enter correctional facilities have previously received special education and, during the past several years, the number of students with disabilities in correctional facilities has risen at more than twice the rate of the overall special education population (U.S. Department of Education, 1999). In the context of educational environments, the topic typically arises when discussing what services are required for youth with disabilities who are in the juvenile justice system.

What the Law Says

If a child with a disability is incarcerated in an adult prison, IDEA has certain provisions, which follow. [*Note*: Only portions of the regulations are provided here for your convenience.]

34 C.F.R. §300.311(c)(1-2)—FAPE requirements for students with disabilities in adult prisons.

> (a) Exception to FAPE for certain students. Except as provided in §300.122(a)(2)(ii), the obligation to make FAPE available to all children with disabilities does not apply with respect to students aged 18 through 21 to the extent that State law does not require that special education and related services under Part B of the Act be provided to students with disabilities who, in the last educational placement prior to their incarceration in an adult correctional facility—
>
> (1) Were not actually identified as being a child with a disability under §300.7; and

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*[*Please note that only the materials in this appendix which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

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(2) Did not have an IEP under Part B of the Act.

(b) Requirements that do not apply. The following requirements do not apply to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

(1) The requirements contained in §300.138 and §300.347(a)(5)(i) (relating to participation of children with disabilities in general assessments).

(2) The requirements in §300.347(b) (relating to transition planning and transition services), with respect to the students whose eligibility under Part B of the Act will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

(c) Modifications of IEP or placement.

(1) Subject to paragraph (c)(2) of this section, the IEP team of a student with a disability, who is convicted as an adult under State law and incarcerated in an adult prison, may modify the student's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

(2) The requirements of §§300.340(a) and 300.347(a) relating to IEPs, and 300.550(b) relating to LRE, do not apply with respect to the modifications described in paragraph (c)(1) of this section.

(Authority: 20 U.S.C. 1412(a)(1), 1414(d)(6))

34 C.F.R. §300.122—Exception to FAPE for certain ages.

(a) **General.** The obligation to make FAPE available to all children with disabilities does not apply with respect to the following:

(1) Children aged 3, 4, 5, 18, 19, 20, or 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children in one or more of those age groups.

(2)

(i) Students aged 18 through 21 to the extent that State law does not require that special education and related services under Part B of the Act be provided to students with disabilities who, in the last educational placement prior to their incarceration in an adult correctional facility—

(A) Were not actually identified as being a child with a disability under §300.7; and

(B) Did not have an IEP under Part B of the Act.

(ii) The exception in paragraph (a)(2)(i) of this section does not apply to students with disabilities, aged 18 through 21, who-

(A) Had been identified as a child with disability and had received services in accordance with an IEP, but who left school prior to their incarceration; or

(B) Did not have an IEP in their last educational setting, but who had actually been identified as a "child with a disability" under §300.7.

(3)

(i) Students with disabilities who have graduated from high school with a regular high school diploma.

RESOURCE GUIDE (continued)

(ii) The exception in paragraph (a)(3)(i) of this section does not apply to students who have graduated but have not been awarded a regular high school diploma.

(iii) Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice in accordance with §300.503.

(b) **Documents relating to exceptions**. The State must have on file with the Secretary—

(1)

(i) Information that describes in detail the extent to which the exception in paragraph (a)(1) of this section applies to the State; and

(ii) A copy of each State law, court order, and other documents that provide a basis for the exception; and

(2) With respect to paragraph (a)(2) of this section, a copy of the State law that excludes from services under Part B of the Act certain students who are incarcerated in an adult correctional facility.

(Authority: 20 U.S.C. 1412(a)(1)(B))

34 C.F.R. §300.600—Responsibility for all educational programs.

(a) The SEA is responsible for ensuring-

(1) That the requirements of this part are carried out; and

(2) That each educational program for children with disabilities administered within the State, including each program administered by any other State or local agency—

(i) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the SEA; and

(ii) Meets the education standards of the SEA (including the requirements of this part).

(b) The State must comply with paragraph (a) of this section through State statute, State regulation, signed agreement between respective agency officials, or other documents.

(c) Part B of the Act does not limit the responsibility of agencies other than educational agencies for providing or paying some or all of the costs of FAPE to children with disabilities in the State.

(d) Notwithstanding paragraph (a) of this section, the Governor (or another individual pursuant to State law) may assign to any public agency in the State the responsibility of ensuring that the requirements of Part B of the Act are met with respect to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons.

(Authority: 20 U.S.C. 1412(a)(11))

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RESOURCE GUIDE (continued)

What Research Says

Juvenile offenders, as a group, tend to experience significant difficulties in school, as well as in the larger community. They typically score lower than age and grade peers on intelligence and achievement measures. Unserved academic deficiencies early on may contribute to later delinquency. This is particularly acute for youth from minority groups, where evidence suggests that they often receive insufficient support and services. For example, disparities also exist between the provision of mental health services and placements—youngsters who are white tend to be admitted to mental health establishments, whereas their African American counterparts tend to be incarcerated with no or limited services.

- Drakeford & Garfinkel, 2000.
- Katsiyannis & Archwamety, 1999.
- Leone & Meisel, 1997.
- Osher, Woodruff, & Simms, (no date).
- Zabel & Nigro, 2001.

IDEA provides that States identify, locate, and evaluate all children with disabilities—including youth in correctional facilities—residing in the state who need special education and related services. Among the challenges corrections staff face in complying with these provisions are lack of communication with school personnel (e.g., lack of access to school records) and inadequate support for identifying youths with disabilities (e.g., school psychologists).

- Forbes, 1991.
- Leone, 1994.
- Leone & Meisel, 1997.
- Lewis, Schwartz, & Ianacone, 1988.
- Moran, 1991.

Once children are found to be eligible for special education and related services under IDEA, they are entitled to an IEP. In correctional facilities, research has found that typically the curriculum and service delivery system does not meet the needs of students with disabilities. Further, research has shown that IEP meetings are rarely held, IEPs are infrequently circulated to appropriate staff, considerably less intensive special education programming is provided, and transition planning and services are often neglected.

RESOURCE GUIDE (continued)

- Karcz, 1996.
- Leone, 1994.
- Leone & Meisel, 1997.
- Moran, 1991.

Providing special education in juvenile and adult correctional facilities can be challenging. Many staff may not have the necessary experience or expertise, and many correctional facilities find it difficult to recruit special education and related services staff.

- Fink, 1990.
- Schrag, 1995.

Materials that Address Students with Disabilities in the Juvenile Justice System

Twenty-first Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act ☒

Author: U.S. Department of Education, Office of Special Education Programs

Publication Date: 1999

Published By: Washington, DC: Author

Available From: Available on the OSEP web site at **www.ed.gov/offices/OSERS/ OSEP/**. Available in alternate formats (e.g., Braille, large print, audiotape, computer diskette) by calling the Department's Alternate Format Center at 202-855-1000. The Report also is available on the ASPIIRE/ILIAD web site at **www.ideapractices.org**, and on the ***Discover IDEA CD 2002***.

Format: Soft cover book.

Brief Description: Each year, the U.S. Department of Education is required to report to the U.S. Congress on the implementation of IDEA. Chapter II-1 in this volume, Special Education in Correctional Facilities, synthesizes selected information on youth with disabilities in correctional facilities and efforts to provide this population with a free appropriate public education. The first section describes the number and characteristics of incarcerated youth with disabilities. The second section portrays

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special education services in correctional facilities. The final sections discuss challenges and results.

Youth with Disabilities in the Juvenile Justice System ☒

Author: U.S. Department of Education, Office of Special Education Programs (OSEP)

Publication Date: none given

Published By: Washington, DC: Author

Available From: Download from the OSEP web site at **www.ed.gov/offices/OSERS/OSEP/**. Or contact OSEP, U.S. Department of Special Education and Rehabilitative Services, U.S. Department of Education, 330 C Street, SW, Washington, DC 20202, 202-205-5507. The document may be accessed from the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Or, it can be found on the ***Discover IDEA CD 2002***.

Format: Two-page fact sheet.

Brief Description: This fact sheet provides basic information about the issue of serving individuals with disabilities in juvenile corrections. The document presents a context for considering the needs of youth with disabilities in the juvenile justice system. It also lists key principles of practice. The fact sheet may be used as a starting point for more in-depth discussion.

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The following are references cited in this section. Those citations that have been reviewed by OSEP for consistency with IDEA are indicated with an "x" (☒).

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Fink, C. (1990). Special education inservice for correctional educators. ***Journal of Correctional Education, 41***, 186-190.

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RESOURCE GUIDE (continued)

Karcz, S. (1996). An effectiveness study of the youth reentry specialist (YRS) program for released incarcerated youth with handicapping conditions. ***Journal of Correctional Education*, 47**, 42-46.

Katsiyannis, A., & Archwamety, T. (1999). Academic remediation/achievement and other factors related to recidivism rates among delinquent youths. ***Behavioral Disorders*, 24**, 93-101.

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Moran, P. (1991). Special education and transition services in a detention center school. ***Journal of Correctional Education*, 42**, 152-158.

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RESOURCE GUIDE (continued)

Resources

The following resources include organizations and/or web sites that feature information on the topic. In most cases, OSEP has not reviewed the information available from these resources for consistency with IDEA and no endorsement by OSEP is implied. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

Council for Education of At-Risk and Delinquent Youth (CEARDY)

www.ceardy.org

Housed At: Michigan State University, Nisbet Building, Suite 3501, East Lansing, MI 48823, 517-432-1242.

Brief Description: CEARDY is an association for professionals who deliver special educational services to at-risk and delinquent youth. The web site contains selected documents, including, ***Juvenile Justice Education: Who Is Educating the Youth***, which profiles practices in 20 states and offers recommendations for the administration, financing, and evaluation of juvenile justice programs.

National Center on Education, Disability and Juvenile Justice (EDJJ)

www.edjj.org

Housed At: University of Maryland, Department of Special Education, 1224 Benjamin Building, College Park, MD 20742, 301-405-6462.

Brief Description: In 1999, OSEP and the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) funded EDJJ. The site contains information on:

- Prevention.
- Education programs.
- Transition aftercare.
- Policy studies.

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- Parent support.
- Training resources.
- Links to other resources.

A number of publications are found on the site. Of particular interest are:

- ***Special Education in Correctional Facilities***, which provides an overview of the topic.
- ***Collaborate to Educate: Special Education in Juvenile Correctional Facilities***, which provides an overview of the need for collaboration among educators and treatment professionals.

Parent Advocacy Coalition for Educational Rights (PACER) Center

www.pacer.org

Housed At: 8161 Normandale Boulevard, Minneapolis, MN 55437, 800-537-2237 (toll free in MN), 952-838-9000, 952-838-0190 (TTY).

Brief Description: The mission of the PACER Center is to expand opportunities and enhance the quality of life of children and youth with disabilities and their families, based on the concept of parents helping parents. PACER directs a number of projects, including FAPE and the Alliance project, which is the national coordinating office for consultation and technical assistance for 100 federally funded parent centers across the country under IDEA. PACER also is a partner with the National Center on Education, Disability, and Juvenile Justice. The web site contains a number of resources and links related to IDEA and children in the juvenile justice system.

U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP)

www.ojjdp.ncjrs.org

Housed At: Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street, NW, Washington, DC 20531, 202-307-5911

Brief Description: The web site provides information on juvenile justice. Check out several issues of the ***Juvenile Justice Bulletin*** [at **www.virlib.ncjrs.org/juvenilejustice.asp**] for information on youth with disabilities and juvenile justice:

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- *Special Education and the Juvenile Justice System* (July 2000), which summarizes the provisions in the IDEA and analyzes their relevance to the juvenile justice process.
- *Special Education in Juvenile Delinquency Cases* (July 2000), which presents a brief overview of how special education information may be helpful in court proceedings.
- *Youth with Disabilities in Institutional Settings* (July 2000), which describes how the provisions in IDEA apply to State and local juvenile and adult criminal corrections facilities.

Appendix' E-8

RESOURCE GUIDE

Overrepresentation of Children from Culturally Diverse Backgrounds in More Restricted Environments*

In response to the nation's shifting demographics, the U.S. Congress stated in IDEA 1997 that the Federal Government must be responsive to the growing educational needs of an increasingly more diverse society. 20 U.S.C. §1400(c)(7). Of the needs mentioned, most acute were those related to achievement of children with disabilities:

- More minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population.
- Poor African American children are 2.3 times more likely to be identified by their teacher as having mental retardation than their white counterparts.
- Although African Americans represent 16 percent of the elementary and secondary enrollments, they constitute 21 percent of total enrollments in special education.
- The dropout rate is 68 percent higher for minorities than for whites.
- More than 50 percent of minority students in large cities drop out of school.

*[*Please note that only the materials in this appendix which have been marked with an ☒ have undergone OSEP-review for consistency with IDEA 1997 and its final implementing regulations. The contents of the "OSEP-reviewed" materials do not necessarily reflect the views or policies of the U.S. Department of Education.]*

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- Studies have documented apparent discrepancies in the levels of referral and placement of children who are English language learners (ELL) in special education, and the Department of Education has found that services provided to limited English proficient students often do not respond primarily to the pupil's academic needs.

To address these and other needs, Congress called for greater efforts to ensure that minority children are classified accurately and placed appropriately.

One of those efforts was the report, *Minority Students in Special Education and Gifted Education*, prepared by the National Research Council (2002). The NRC found that disproportion in special education persists, citing these numbers for students identified for special education:

- 5% Asian/Pacific Islander.
- 11% Hispanic.
- 12% White.
- 13% American Indian.
- 14% African American.

The disparities are greater within the high incidence disability categories. For example, NRC found that about 2.6 percent of African American students are identified as mentally retarded, compared with 1.2 percent among white students. About 1.5 percent of African American students are labeled as emotionally disturbed, while 0.91 percent of white students carry the label.

Overrepresentation of minority children in special education has been a long-standing concern within OSEP, which administers IDEA, and the U.S. Office for Civil Rights (OCR) (U.S. Department of Education, 1997). Overrepresentation in special education occurs when a group's membership in the program is larger than the percentage of that group in the educational system or within a given disability category (e.g., learning disability, mental retardation, emotional disturbance, etc.). According to the ***19th Annual Report to Congress on the Implementation of*** **IDEA**, problems associated with inappropriate classification and placement include:

- Being denied access to the general education curriculum.
- Being placed in separate programs with more limited curriculum that may impact the student's access to postsecondary education and employment opportunities.
- Being stigmatized with a misclassification that may negatively impact the student's self-perception, as well as the perceptions of others.

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RESOURCE GUIDE (continued)

For more than three decades, overrepresentation data have figured prominently in court cases and in discussions aimed at eliminating inequities in the educational system (MacMillan & Reschly, 1998). These data also have spurred debates regarding how differences are viewed in school programs (Artiles, 1998).

Despite litigation, monitoring, and compliance activities, the disproportionate number of racial and ethnic minority students who are identified, referred, evaluated, classified, and placed in special education in relation to their representation in the overall school population continues to exist (National Research Council, 2002). Statistics presented in the ***Twenty-second Annual Report to Congress on the Implementation of IDEA*** on the racial/ethnic background of students with disabilities (6-21 year age range) reveal the continued overidentification of some minority groups in special education:

- Students who are African American and Native American were overrepresented in special education.
- Students who are Caucasian or Asian were underrepresented in special education.

Further, OCR data showed that African American students are found to be more likely to be identified as mentally retarded or emotionally disturbed than their non-African American peers (Oswald, Coutinho, Best, & Singh, 1999). Statistically significant overrepresentation of African American children in special education is found in 45 of 50 states, with the category of mental retardation being the most commonly overrepresented (Parrish, 2000).

Overrepresentation has been shown to cause harm to students in that they may (NABSE & ILIAD, 2002):

- Be denied access to the general education curriculum.
- Receive services that do not meet their needs.
- Be misclassified or inappropriately labeled.

Too often, mislabeling results in low expectations for achievement that are held for the student. The potential for socioemotional problems increases and postschool outcomes are seriously undermined. Mislabeled students may, in fact, experience similar negative results as students with disabilities, such as (NABSE & ILIAD, 2002):

- Inequity in educational opportunity.
- Differential graduation rates.
- Differential earning power upon graduation.
- Differential enrollment in postsecondary educational institutions.

What the Law Says

Under IDEA, states are now required to gather information and examine data to determine if significant disproportionality based on race is occurring in the state with respect to the identification of children with disabilities and their placement in particular educational settings. 20 U.S.C. §1418(c).

Whether the child is from a culturally diverse background or not, IDEA emphasizes that special education is not a place. Rather, special education is specially designed instruction to meet the unique needs of a child with a disability. Several key provisions address the language needs of children who are English language learners:

- A child cannot be found eligible for special education services if the determinant factor is limited English proficiency.
- In determining the IEP for a child with limited English proficiency, IEP teams must consider the language needs of the child as those needs relate to the IEP.
- Non-biased tests and evaluation procedures must be used to assess children for possible identification as a child with a disability.

[*Note*: Only portions of the regulations are provided here for your convenience.]

34 C.F.R. §300.19—Native language.

(a) As used in this part, the term **native language**, if used with reference to an individual of limited English proficiency, means the following:

(1) The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as provided in paragraph (a)(2) of this section.

(2) In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

(b) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, braille, or oral communication).

(Authority: 20 U.S.C. 1401(16))

34 C.F.R. §300.26—Special education.

(a) General.

(1) As used in this part, the term special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including—

(i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

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(ii) Instruction in physical education.

(2) The term includes each of the following, if it meets the requirements of paragraph (a)(1) of this section:

(i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;

(ii) Travel training; and

(iii) Vocational education.

(b) Individual terms defined. The terms in this definition are defined as follows:

(1) At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.

(2) Physical education—

(i) Means the development of—

(A) Physical and motor fitness;

(B) Fundamental motor skills and patterns; and

(C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and

(ii) Includes special physical education, adapted physical education, movement education, and motor development.

(3) Specially-designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction-

(i) To address the unique needs of the child that result from the child's disability; and

(ii) To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

(4) Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to-

(i) Develop an awareness of the environment in which they live; and

(ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

(5) Vocational education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

(Authority: 20 U.S.C. 1401(25))

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RESOURCE GUIDE (continued)

34 C.F.R. §300.346—Development, review, and revision of IEP.

(a) Development of IEP.

(1) General. In developing each child's IEP, the IEP team, shall consider -

(i) The strengths of the child and the concerns of the parents for enhancing the education of their child;

(ii) The results of the initial or most recent evaluation of the child; and

(iii) As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

(2) Consideration of special factors. The IEP team also shall—

(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

(ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

(iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

(v) Consider whether the child requires assistive technology devices and services.

(b) Review and Revision of IEP. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider the factors described in paragraph (a) of this section.

(c) Statement in IEP. If, in considering the special factors described in paragraphs (a)(1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.

(d) Requirement with respect to regular education teacher. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of—

(1) Appropriate positive behavioral interventions and strategies for the child; and

(2) Supplementary aids and services, program modifications or supports for school personnel that will be provided for the child, consistent with 300.347(a)(3).

(e) Construction. Nothing in this section shall be construed to require the IEP team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.

(Authority: 20 U.S.C. 1414(d)(3) and (4)(B) and (e))

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RESOURCE GUIDE (continued)

34 C.F.R. §300.532—Evaluation procedures.

Each public agency shall ensure, at a minimum, that the following requirements are met:

(a)

(1) Tests and other evaluation materials used to assess a child under Part B of the Act—

(i) Are selected and administered so as not to be discriminatory on a racial or cultural basis; and

(ii) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so; and

(2) Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

(b) A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining—

(1) Whether the child is a child with a disability under §300.7; and

(2) The content of the child's IEP.

(c)

(1) Any standardized tests that are given to a child-

(i) Have been validated for the specific purpose for which they are used; and

(ii) Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.

(2) If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.

(d) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(e) Tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

(f) No single procedure is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

(g) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

(h) In evaluating each child with a disability under §§300.531-300.536, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

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(i) The public agency uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(j) The public agency uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

(Authority: 20 U.S.C. 1412(a)(6)(B), 1414(b)(2) and (3))

34 C.F.R. §300.534—Determination of eligibility.

(a) Upon completing the administration of tests and other evaluation materials—

(1) A group of qualified professionals and the parent of the child must determine whether the child is a child with a disability, as defined in §300.7; and

(2) The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

(b) A child may not be determined to be eligible under this part if—

(1) The determinant factor for that eligibility determination is—

(i) Lack of instruction in reading or math; or

(ii) Limited English proficiency ; and

(2) The child does not otherwise meet the eligibility criteria under §300.7(a).

(c)

(1) A public agency must evaluate a child with a disability in accordance with §§300.532 and 300.533 before determining that the child is no longer a child with a disability.

(2) The evaluation described in paragraph (c)(1) of this section is not required before the termination of a student's eligibility under Part B of the Act due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under State law.

(Authority: 20 U.S.C. 1414(b)(4) and (5), (c)(5))

34 C.F.R. §300.755—Disproportionality.

(a) General. Each State that receives assistance under Part B of the Act, and the Secretary of the Interior, shall provide for the collection and examination of data to determine if significant disproportionality based on race is occurring in the State or in the schools operated by the Secretary of the Interior with respect to—

(1) The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3) of the Act; and

(2) The placement in particular educational settings of these children.

(b) Review and revision of policies, practices, and procedures. In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of these children, in accordance with

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paragraph (a) of this section, the State or the Secretary of the Interior shall provide for the review and, if appropriate revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with the requirements of Part B of the Act.

(Authority: 20 U.S.C. 1418(c))

What Research Says

The professional literature base is replete with causal factors ranging from failure of the general education system to educate children from diverse backgrounds to inequities associated with special education referral, assessment, and placement procedures. Misidentification, misplacement, misuse of tests, and the too-often resulting poor academic performance of minority children once identified for special education services have been cited as sources for serious investigation. A 1982 report, which was commissioned by the OCR, provided many insights into the underlying pattern of placement of minority students in special education programs, including the linkage between lack of access to effective instruction in general education programs, placement in more restrictive special education programs, and the misuses of testing and assessment for educational purposes.

- Artiles & Trent, 1994.
- Heller, Holtzman, & Messick, 1982.
- Patton, 1998.

The related issues of misidentification and misplacement of students from language-minority groups into special education have raised questions about accurate assessment. Evaluation must distinguish students who are truly in need of special education services from students who are not successful in school due primarily to limited English language capacity.

- Figueroa, 1989.
- Gersten & Woodward, 1994.
- Keogh, Gallimore, & Weisner, 1997.
- Midgette, 1995.
- Schiff-Myers, Djukic, McGivern-Lawler, & Perez, 1993.

Once identified for special education, placements tend to differ by ethnicity. Further,

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the amount of supportive services received by African American students with disabilities typically is less than those received by their white counterparts.

- Artiles, Aguirre-Munoz, & Abedi, 1998.
- Osher, Woodruff, & Sims, no date.

Experts working in the area suggest that family-centered approaches may hold promise for reducing the incidence of inappropriately referred children and youth to special education, as well as for improving the appropriateness of services and supports to children. Systemic support in the form of culturally sensitive and family-centered practices—as well as respect for culturally-based child rearing practices—facilitates family participation in IEPs. Involvement of families from diverse cultural and linguistic backgrounds may be increased when professionals adjust service delivery to the family's beliefs about disability, health, and healing; respect the family's sense of propriety; and eliminate or reduce language barriers.

- Bennett, Zhang, & Hojnar, 1998.
- Garcia, Perez, & Ortiz, 2000.
- Harry, 1992.
- Harry, Allen, & McLaughlin, 1995.
- Harry, Grenot-Scheyer, Smith-Lewis, Park, Xin, & Schwartz, 1995.
- Kalyanpur & Rao, 1991.
- McCollum & McBride, 1997.
- NABSE & ILIAD, 2002.

Increasingly, educators will need to be responsive to families who may hold differing cultural values, beliefs, and preferences; they also need to be capable of delivering services that are culturally and linguistically responsive and relevant. Experts who are working in the area suggest that overrepresentation may be reduced by ensuring that staff members possess adequate skills and knowledge to work in multicultural settings. Efforts to recruit qualified staff from diverse cultural and linguistic backgrounds—as well as those with multicultural and bilingual preparation—should be undertaken, especially in light of changing demographics. Further, educators should be prepared to address the needs of children from diverse cultural and linguistic backgrounds.

- Bynoe, 1998.
- Harry, 1992.
- Harry, Allen, & McLaughlin, 1995.

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- Harry, Grenot-Scheyer, Smith-Lewis, Park, Xin, & Schwartz, 1995.
- Harry, Rueda, & Kalyanpur, 1999.
- Kea & Utley, 1998.
- NABSE & ILIAD, 2002.
- Santos, 1999.
- Serna, Forness, & Nielson, 1998.
- Sexton, Lobman, Constans, Snyder, & Ernest, 1997.
- Valles, 1998.

Experts working in the area suggest that prereferral processes show promise for preventing the overidentification of minority children for special education referral. Such processes may have the potential to identify and address systemic problems (e.g., inadequate instruction, irrelevant curriculum, lack of resources) that may, in turn, alleviate the source of the child's academic and/or behavioral difficulties.

- Garcia & Ortiz, 1988.
- Midgette, 1995.
- Ortiz, 1997.
- Osher, Woodruff, & Simms, no date.
- NABSE & ILIAD, 2002.
- Serna, Forness, & Nielson, 1998.

While students from culturally diverse backgrounds are overrepresented in special education, they typically are underrepresented in programs for children with gifts and talents. Possible causes include biased screening and identification procedures, poor educational programs, and low teacher referral.

- Daniels, 1998.
- Ford, 1998.
- Harry, 1994.

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RESOURCE GUIDE (continued)

Materials that Address the Overrepresentation of Students from Culturally Diverse Backgrounds in Special Education

Language Minority Children and Youth in Special Education

Author: Avoké, S., & Wood-Garnett, S.

Publication Date: 2001

Published By: Council for Exceptional Children

Available From: Journal article published in ***Teaching Exceptional Children, 33***(4), 90-91. Information on obtaining this article is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Format: Journal article.

Brief Description: This two-page article summarizes resources for supporting achievement for language minority students with disabilities.

Effective Education of African American Exceptional Learners.

Author: Ford, B., Obiakor, F., & Patton, J.

Publication Date: 1995

Published By: Austin, TX: Pro-Ed

Available From: Information on obtaining this product is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Format: Book.

Brief Description: The edited text contains chapters that explicate issues related to providing appropriate special education and related services to African American children.

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Addressing Over-Representation of African American Students in Special Education: The Prereferral Process—An Administrator's Guide

Author: National Alliance of Black School Educators (NABSE), & the IDEA Local Implementation by Local Administrators Partnership (ILIAD)

Publication Date: 2002

Published By: Arlington, VA: Council for Exceptional Children, and Washington, DC: NABSE

Available From: The guide may be downloaded from the ASPIIRE/ILIAD web site at **www.ideapractices.org**. Or, order the guide from NABSE at 310 Pennsylvania Avenue, SE, Washington, DC 20003, 202-608-6310, 800-221-2654. The guide also may be ordered from the Council for Exceptional Children, 1110 N. Glebe Road, Suite 300, Arlington, VA 22201, 877-232-7733 (toll free), 866-915-5000 (TTY toll free), **www.cec.sped.org**.

Format: 54-page guide.

Brief Description: The guide, which features the work of NABSE focus groups, presents an overview of overrepresentation followed by a discussion of how prereferral intervention practices may address the problem. Included are checklists that provide recommendations for addressing overrepresentation (e.g., implementing prereferral intervention processes, understanding the effect of school climate, and involving families).

Determining Appropriate Referrals of English Language Learners to Special Education: A Self Assessment Guide for Principals

Author: National Association for Bilingual Education (NABE), & the IDEA Local Implementation by Local Administrators Partnership (ILIAD)

Publication Date: 2002

Published By: Arlington, VA: Council for Exceptional Children, and Washington, DC: National Association for Bilingual Education

Available From: The guide may be downloaded from the ASPIIRE/ILIAD web site at **www.ideapractices.org**. The guide may be ordered from NABE, 1030 15th Street, NW, Suite 470, Washington, DC 20005, 202-898-1829. It also may be ordered from the Council for Exceptional Children, 1110 North Glebe Road, Suite 300, Arlington,

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VA 22201, 888-232-7733 (toll free), 866-915-5000 (TTY toll free).

Format: 60-page guide.

Brief Description: The guide provides principals with an overview of issues related to making appropriate referrals of English language learners to special education. The guide contains a self assessment for administrators, along with recommendations in the areas of communication, parent involvement, teacher assistance teams, and evaluation.

The Disproportionate Representation of African Americans in Special Education: Looking Behind the Curtain for Understanding and Solutions

Author: Patton, J.

Publication Date: 1998

Published By: Austin, TX: PRO-ED, Inc.

Available From: Journal article published in *The Journal of Special Education*, 32(1), 25-31. Information on obtaining this article is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Format: Journal article.

Brief Description: The author reviews patterns that help to explain the world views, assumptions, and beliefs associated with the overrepresentation of African American children in special education. The author argues that special education would benefit from a system that nurtures, develops, and allows for the voices of African American knowledge producers to be heard, confirmed, and affirmed.

Other Resources

There are other resources related to the overrepresentation of students from culturally diverse backgrounds in special education that may provide additional sources of information. [*Note*: Information on obtaining many of these resources is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org.**]

RESOURCE GUIDE (continued)

The Disproportionate Discipline of African American Learners: Reducing School Suspensions and Expulsions

Citation: Townsend, B. (2000). The disproportionate discipline of African American learners: Reducing school suspensions and expulsions. ***Exceptional Children*, 66**(3), 381-391.

Available From: Information on obtaining this article is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Brief Description: This scholarly article summarizes the research examining exclusionary discipline practices and their impact on African American students. Culturally responsive instructional and management strategies are discussed as means to mitigate school suspensions and expulsions.

The Nexus of Race, Disability, and Overrepresentation: What Do We Know? Where Do We Go?

Citation: Meyer, G., & Patton, J. (July 2001). ***The Nexus of Race, Disability, and Overrepresentation: What Do We Know? Where Do We Go?*** Unpublished manuscript.

Available From: Information on obtaining this document is found on the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Brief Description: The document summarizes the issues related to the overrepresentation of students from culturally diverse backgrounds in special education. The authors offer recommendations for addressing the problem.

Overidentification

Citation: Daugherty, D. (2001). *Overidentification.* Framing paper for A National Summit on the Shared Implementation of IDEA. Arlington, VA: IDEA Partnership Projects.

Available From: On the ASPIIRE/ILIAD web site at **www.ideapractices.org**.

Brief Description: The document summarizes the issues related to overidentification.

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RESOURCE GUIDE (continued)

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Resources

The following resources include organizations and/or web sites that feature information on the topic. In most cases, OSEP has not reviewed the information available from these resources for consistency with IDEA and no endorsement by OSEP is implied. [*Note*: While every effort has been made to check the accuracy of web site addresses, it is possible that some may have changed from the time of publication. We apologize for any inconvenience and encourage you to contact the ASPIIRE/ILIAD web site at **www.ideapractices.org** for updates and information.]

Center for Research on Education, Diversity, and Excellence (CREDE)

http://crede.ucsc.edu/

Housed At: University of California, 1156 High Street, Santa Cruz, CA 95064, 831-459-3500.

Brief Description: The site houses a variety of resources, including news, reports, research briefs, and links to other related web sites.

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RESOURCE GUIDE (continued)

Civil Rights Project, Harvard University

www.civilrightsproject.harvard.edu

Housed At: Harvard University, Civil Rights Project, 124 Mt. Auburn Street, Cambridge, MA 02138, 617-496-6367.

Brief Description: The web site contains a number of reports and resources related to minority issues in special education. Of particular note are the civil rights alerts, which describe national trends and legal issues related to overidentification.

CLAS Institute

http://clas.uiuc.edu

Housed At: 51 Gerty Drive, Champaign, IL 61821, 800-583-4135.

Brief Description: The Early Childhood Research Institute on Culturally and Linguistically Appropriate Services maintains a resource bank of culturally and linguistically appropriate materials for early intervention and preschool services. The CLAS Institute has developed review guidelines to help practitioners select culturally and linguistically appropriate materials.

Linking Academic Scholars to Educational Resources (LASER)

www.coedu.usf.edu/LASER

Housed At: University of South Florida, Department of Special Education, 4202 E. Fowler Avenue EDU 162, Tampa, FL 33620, 813-974-1385.

Brief Description: LASER seeks to improve the educational outcomes for urban children and youth with or suspected of having disabilities by enhancing the research and development capacity of faculty and graduate students at minority institutions. LASER's mission is to: develop cadres of faculty and graduate students in minority institutions who will conduct and sustain urban special education research/ scholarship; develop a national strength-based model that documents strategies for enhancing individual and institutional research capacities; and define and coordinate a national agenda that narrows the gap between research and urban school practice. LASER provides technical assistance and professional development for minority doctoral students and faculty.

RESOURCE GUIDE (continued)

National Alliance of Black School Educators (NABSE)

www.nabse.org

Housed At: 310 Pennsylvania Avenue, SE, Washington, DC 20003, 202-608-6310, 800-221-2654.

Brief Description: The National Alliance of Black School Educators (NABSE) is the nation's largest network of African American educators. NABSE is dedicated to improving the educational accomplishments of African American youth through the development and deployment of instructional and motivational methods that increase levels of inspiration, attendance, and overall achievement.

NABSE's mission and purposes are achieved through four primary areas of focus:

- Professional development programs that strengthen the skills of teachers, principals, specialists, superintendents, and school board members.
- Information sharing about innovative instructional and learning strategies that have proven successful in motivating African American youth and increasing academic performance in critical learning areas.
- Policy advocacy to ensure high standards and quality in our public and private education systems.
- Research and demonstration programs that increase motivation and academic achievement of African American students.

National Association for Bilingual Education (NABE)

www.nabe.org

Housed At: 1030 15th Street, NW, Suite 470, Washington, DC 20005, 202-898-1829.

Brief Description: The National Association for Bilingual Education (NABE) is a professional organization at the national level devoted to representing both the interests of language-minority students and the bilingual education professionals who serve them. NABE's priorities include:

- Improving instructional practice for linguistically and culturally diverse students.
- Expanding professional development programs for teachers serving language-minority students.
- Securing adequate funding for the federal Bilingual Education Act and other

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RESOURCE GUIDE (continued)

programs serving limited-English-proficient students.

- Defending the rights of language-minority Americans.
- Keeping language-minority Americans clearly in focus as states and communities move forward with educational reforms.

National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA)

www.ncela.gwu.edu

Housed At: The George Washington University, 2121 K Street, Washington, DC 20037, 800-321-6223.

Brief Description: The federally-funded clearinghouse features numerous resources online, including:

- Frequently asked questions.
- Online library (go directly to documents related to special education) that may be downloaded.
- Issues and briefs (search for topics related to special education such as critical issues in large-scale assessment).
- State pages (find out state policies and resources related to meeting the educational needs of linguistically and culturally diverse students).
- Newsline (weekly online news bulletin).

Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA)

www.ed.gov/offices/OBEMLA/

Housed At: U.S. Department of Education, Washington, DC, 202-205-5463.

Brief Description: Formerly called the Office of Bilingual and Minority Languages Affairs (OBEMLA), OELA was established by the U.S. Congress in 1974 to help school districts meet their responsibility to provide equal education opportunity to limited English proficient children. The web site contains information on Title VII projects, professional development materials, and publications on such topics as standards in reading and students who drop out of school.

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RESOURCE GUIDE (continued)

100 Black Men of America, Inc.

www.100blackmen.org

Housed At: 141 Auburn Avenue, Atlanta, GA 30303, 404-688-5100, 800-598-3411.

Brief Description: With a mission to improve the quality of life and enhance educational opportunities for African Americans, members work to overcome the cultural and financial obstacles that have limited the achievements of African American youth, particularly young African American males. The 100 also supports opportunities for youth to stabilize their learning environment, become self supportive, and become empowered to control their own destinies.

U.S. Department of Education (ED)

www.ed.gov

Housed At: U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, 800-USA-LEARN.

Brief Description: The U.S. Department of Education's web site houses a variety of resources related to education, including links to the U.S. Department of Education, Office of Special Education Programs. Of particular relevance to the topic of overidentification of children and youth from diverse cultural and linguistic backgrounds for special education services are the Annual Report Tables at **www.ideadata.org**. This is where you will find the data used to prepare the Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act. Data are available for the number of students served under IDEA by race/ethnicity and disability.

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FAPE

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Minneapolis, MN 55437-1044

888.248.0822 (toll free)
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www.fape.org

The Policymaker Partnership

PMP

1800 Diagonal Road
Suite 320
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www.ideapolicy.org

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Council for Exceptional Children
ISBN 0-86586-979-0

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